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Abortion and Moral Context: Human Beings in a Moral Community

Volume 1 of 1

Submitted for the degree of Doctor of Philosophy

by

Elizabeth Karen Mackintosh

Department of Philosophy

University of Durham

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Abortion and Moral Context: Human Beings in a Moral Community

Abstract: In this dissertation, I urge that ethical discussions of abortion remain dissatisfying in large part because they conduct the debate in terms of the contested concept of the ‘person.’ Building on the reflections of MacIntyre, I will argue that the loss of ethical context to which he refers has also meant that we have come to view ‘persons’ and human beings as individual, independent units, abstracted from their relations with others. Philosophers have sought to analyse and elevate the concept of ‘person’; competing conceptions of personhood have pursued the specific individual qualities that grounds a being's claim to having a morally significant life. This predilection of the personhood literature has often severely limited the abortion dialogue and prevented richer and varied understandings of our layered nature from emerging. I contend that the deadlock, to which Ruth Macklin refers, within the personhood dialogue means that we need to broaden our moral vocabulary and give a much more central place to the notion of the socialised human being. Rather than place personhood at the heart of the debate, I would suggest we should emphasise our relationships and our membership in an already-existing moral context and community, and that we should reflect far more fully on these settings. Rather than considering what kinds of entities qualify as ‘persons,’ we should instead consider the notion of the human being existing in a moral community and thereby situated in a wide and complex web of relationships. I argue that an ethic of care, coupled with a phenomenological approach, will provide the most fruitful framework when responding to ethical issues generated by the abortion dialogue. Taking account of our nature as socialised beings, in relationship with other beings is, I shall try to show, key to understanding our moral existence in general and to grasping the intricacies of the moral debate over abortion in particular. Membership within a social network or moral community is fundamentally a moral issue where certain experiences and conditions can threaten what really matters.

When providing us with accounts of the moral community, philosophers have often put forward very particular qualifications for membership. To underscore the need to explore further accounts of moral communities I consider the work of cultural and philosophical anthropology where we find that observations relating to the distinctly human life remain pertinent for our current ethical climate. Philosophical anthropology reveals just how complex the idea of moral community is and hints at the broader moral vocabulary I believe is required. I argue that it is crucial that we understand the ethical consequences of choosing to see someone as being either a member or not a member of the moral community and as Eva Feder Kittay argues, there are a range of morally repugnant current moral exclusions. I believe this discussion has considerable bearing on the abortion debate, and I provide two specific examples of the marginalisations that a moral community can create: recent empirical studies into abortion stigma and Judith Butler's considerations on vulnerability and female sexuality. We need to address these exclusions and consider the ways we define the moral agent, and consider how we make assumptions about which human lives have value. With an ever-expanding and complex ‘moral community’ under review I would argue that recognizing ourselves as human beings, participants in a moral community, must be our starting point. It is from this platform that we can then refuse to enact exclusions and try to live out Butler's call to make a concern for all human lives a real and valid ethical concern.

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Abortion and Moral Context: Human Beings in a Moral Community

Introduction:

Ethical and legal concerns surrounding abortion procedures remain one of the most contested debates of this age. ‘The abortion debate’ has been raging since the early 1960s and the initial hope that philosophers would help lead the debate towards some sort of consensus appears unrealised; the phrase ‘respect for the autonomous being’ has been used as if some sort of talisman to not only ward off unethical action, but also as one of the approaches that would guide the dialogue to some sense of resolution.¹ Whereas, in fact, the reliance on the rational, separate, autonomous being has far too regularly reduced the discussion,² and led to pregnancy sometimes being viewed, and therefore referred to, as nothing more than a physical or bodily condition, and the morality of abortion was seen first and foremost as a rights debate where one competing rights claim would triumph.³ ‘The abortion debate,’ as this phrasing reveals, has become unhelpfully unified and this particular phrasing, along with other assumptions, is something this dissertation seeks to challenge.

The topic of abortion regularly makes its way into the newspapers and reports currently range from the European Union suggesting that abortion on demand is a human right,⁴ to suggesting that the risks resulting from an abortion are acute and that the increased risk of negative impact on mental health cannot be ignored.⁵ It is often impossible to escape the pro-life and pro-choice rhetoric within abortion literature; Mary Anne Warren notes that we have opponents of abortion suggesting the widest possible criterion to grant personhood and protection within a moral community (and thus foetuses are included) and at the other end of the spectrum we have those who argue for the moral permissibility of abortion proposing narrower and more particular criteria.⁶ Those writing about abortion have often painted an abstract, public ethical setting, where abstract principles, rights or rules can be applied more easily, and where we speak of knowing or rational beings that are fully operating agents within such a moral community.

¹ Joel Feinberg (ed.), *The Problem of Abortion*, California, Wadsworth Publishing Company, 1984, p.1.

² Shannon M. Jordan, ‘The Moral Community and Persons’, *Philosophy Today*, Vol. 30, no. 2, 1986, p.110.

² Shannon M. Jordan, ‘The Moral Community and Persons’, *Philosophy Today*, Vol. 30, no. 2, 1986, p.110.

³ Joel Feinberg (ed.), *The Problem of Abortion*, California, Wadsworth Publishing Company, 1984, p.1.

⁴ Christina Zampas and Jamie M. Gher, ‘Abortion as a Human Right - International and Regional Standards’, *Human Rights Law Review*, Vol. 8, no.2, 2008, pp.249-294. <http://www.ejiltalk.org/abortion-on-demand-and-the-european-convention-on-human-rights/>

⁵ Priscilla K. Coleman, ‘Abortion and mental health: quantitative synthesis and analysis of research published 1995–2009’, *The British Journal of Psychiatry*, 199, 2011, pp.180-186. <http://www.telegraph.co.uk/health/8734378/Abortion-increases-risk-of-mental-health-problems-new-research-finds.html>

⁶ Mary Anne Warren, ‘On the Moral and Legal Status of Abortion’, in Hugh LaFollette (ed.), *Ethics in Practice*, London, Blackwell, 2002, pp. 72-83.

Human life is, in fact, far more complex and dynamic than that description allows and as Zygmunt Bauman writes, 'Human reality is messy and ambiguous - and so modern decisions, unlike abstract ethical principles, are ambivalent.'⁷

The pursuit for the determination of personhood is undeniably a controversial matter as it is a process about asking how and where we are to fix the boundaries at the beginning and at the end of life. Who, or what, is a person? When does a person begin or cease to exist? A variety of positions have been assumed within this debate, and in fact a variety of questions are being asked both consciously and unconsciously within this complex dialogue. The conception of personhood is certainly pivotal to discussions relating to beginning of life ethics, but also susceptible to many varying obstructions when trying to move the dialogue forward. This is in part due to the origin and evolution of the 'contested concept of the person'⁸ and the fact that the term 'person' cannot attend to the many varied aspects of our nature.⁹ Many conceptions of personhood are in fact trying to attend (both directly and indirectly) to many varied questions relating to our identity. For example are we seeking to unpack what a person is, and explore what it is that I am in an ontological sense?¹⁰ Or rather are we asking 'who am I?' an approach which seeks to identify a specific function or activity or state of mind that must be in place for the entity under consideration to be classed a 'person' or 'human being?'¹¹ Is the central question 'why am I?', and thus the exploration of the engagement of the person in the human condition as they work out their individual life projects.¹² Or perhaps the personhood debate demands we take a strictly materialist or scientifically reductionist approach, an approach that seeks to ask 'what am I?'¹³

⁷ Zygmunt Bauman, *Postmodern Ethics*, Oxford, Blackwell, 1993, p.32.

⁸ W.B. Gallie, 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, LVI, 1956, pp.167–198; Susanne Gibson, 'The Problem of Abortion: Essentially Contested Concepts and Moral Autonomy', in Ruth Chadwick et al (eds.), *The Bioethics Reader: Editor's Choice*, Oxford, Blackwell Publishing, 2007, pp.447–458.

⁹ J. P. Lizza, 'Persons: Natural, Functional, or Ethical Kind?', *American Journal of Economics and Sociology*, 66, 2007, pp.195–216.

¹⁰ Ontological approaches to personhood seek to identify a particular 'substance' that must be present in order for the being/entity under consideration to qualify as a person. This has a long and varied tradition often associated with Thomas Aquinas and the *soul*, Cartesianism's *res cogitans* and more recently Lynne Ruder Baker's view that persons are *constituted by human beings*.

¹¹ The question 'who am I?' and psychological approaches have sought function, activity or state of mind as a central focus and criteria for personhood. These personhood conceptions are best associated with John Locke's *memory* 'standard account' or forensic position, also constitutionalism's *first person perspective* or Aristotelian *rationality*.

¹² For example Sartre's *condemned to freedom*, de Beauvoir's *the 'Other' of man*, Heidegger's *being-towards-death*, Ortega y Gasset's *my life*, Levinas' *naked face of the other* and Marcel's *being in a situation*.

¹³ 'Strictly materialist' or 'strictly scientifically reductive' approaches are those that tend to simply affirm the 'fact' of the human being's bodily existence without any appeal to factors beyond those associated with the operation of the human organism – particularly cognitive operations. For example, physicalism, behaviourism, materialism and functionalism.

Philosophers have sought, confusingly, to analyse and elevate the concept of ‘person’; competing conceptions of personhood have pursued the specific individual qualities that grounds a being’s claim to having a morally significant life. This predilection of the personhood literature has often severely limited the dialogue and prevented richer and varied understandings of our layered nature from emerging. Within this dissertation I argue that greater headway would be made within the personhood debate if we were to accept that there are these wider questions relating to our nature; we cannot expect to have a metaphysical and value free conception of ourselves. The dissertation seeks to explain how the nature of personhood and abortion debates have been mischaracterised because of the influence of inappropriate assumptions; those giving a privileged place to metaphysical aspects of personhood. The dissertation argues forcefully for a pluralistic approach to what is taken into consideration when reflecting on the nature of abortion. Moral philosophy, and our moral agency, cannot be disconnected from our social, political, historical factors. It also cannot operate or fail to acknowledge important moves made within other areas of study, most notably anthropology, sociology and psychology. I contend that the oft-cited deadlock within the personhood dialogue means that we need to broaden our moral vocabulary and give a much more central place to the notion of the socialised human being. Rather than place personhood at the heart of the debate, I would suggest we should emphasise our relationships and our membership in an already-existing moral context and community, and that we should reflect more fully on these settings. As Carol Gilligan reminds us, moral problems are problems of human relations.¹⁴ I recommend that in certain debates moral philosophers should stop thinking about entities such as persons and human beings in highly abstract terms and instead pay more attention to the concrete moral communities of which we are members. Rather than seeking definitions and trying to find out what criterion is sufficient for a being to qualify as a person, and grant one a place within a moral community,¹⁵ we should instead begin by considering our social and cultural setting and the idea of our moral community first, and thus consider what sort of beings reside within this context. Such an approach would consider who is already present within a moral community rather than seeking to see who is accorded or denied membership.¹⁶

In a similar vein to Val Plumwood, I would argue that trying to identify the properties an entity must possess, if it is to be a member of the moral community, can lead to the creation of an ‘us-

¹⁴ Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p.xix.

¹⁵ Eva Feder Kittay, ‘At the Margins of Moral Personhood’, *Ethics*, 116, 2005, pp.100-131.

¹⁶ Michael Allen Fox, ‘The Moral Community,’ in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Blackwell, 2002, pp.117-127; Shannon M. Jordan, ‘The Moral Community and Persons’, *Philosophy Today*, Vol. 30, no. 2, 1986.

and-them' mentality which can, of course, be criticised heavily on moral grounds.¹⁷ Plumwood, like Judith Butler, has made important moves within recent ethical discussion in that she challenges so many of the stifling dualisms present within Western Philosophy and develops a robust critique of this bifurcation; Butler focuses on the fixed masculine/feminine gender binary, and thus seeks to deconstruct and reconstruct the idea of 'who we are' as something that is not unified, but rather diverse and that as beings we behave within a time and a place.¹⁸ Abortion debates often fall prey to the central concerns of Butler and Plumwood, in that the dialogue has become an uncomfortable battlefield between two warring camps,¹⁹ or principles, and the debate can often entirely operate around the issue of categories, inclusion and membership criterion. We find an ethical arena of either 'knowing' or reason centred beings that are 'in' and are fully operating agents, or instead we have incomplete, passive, moral patients whose membership can be secured by others on their behalf. Unsurprisingly writers within the field of environmental and animal ethics have tended to explore conceptions of a moral community more regularly and extensively than those working within medical and sexual ethics. Plumwood, Singer and other ethicists are right to impress upon us the importance of expanding our moral circle,²⁰ but surely more work is required within the setting of the moral community of human beings, as being 'human' does not secure a satisfactory form of membership as many writers often assume. I do not just mean cases such as very young infants, or those lacking certain capacities or beings that are dependent (although I do explore a range of unsatisfactory marginalisations within the dissertation), but rather those beings that are 'fully human' but socially marginalised and stigmatised. In Britain, and much of the Western world today, most of the legislative obstacles to female membership and participation in the public sphere could be viewed as having been removed, and yet inequalities still remain.

Appeals to personhood and human dignity are commonplace in a range of philosophical and public debates in bioethics to the foundation of universal human rights, but to speak of someone's dignity, personhood and inclusion is not the same as someone having it or securing such a position. Recent events in Egypt saw an Al-Garf style female politician who heads the

¹⁷ Val Plumwood, *Environmental Culture*, New York, Routledge, 2002, p.100. Plumwood develops a full critique of anthropocentrism and Western dualisms that creates privileged human groups and thus dismisses or ignores the concerns of marginalized human groups. She argues that the 'reason-centred' Western worldview fully divides the world into separate realms of active, knowing 'subjects' and passive, knowable 'objects.' The result is a 'radical discontinuity' between humans (as the sole possessors of reason) and their nature and non-human nature.

¹⁸ Judith Butler, *Gender Trouble: Gender Trouble: Feminism and the Subversion of Identity*, London, Routledge, 1999, p.11.

¹⁹ Mary Anne Warren describes the 'stand-off' and illustrates how the debate continues to rest on a conflict of rights, with each 'camp' arguing for either a right to life as a stronger claim or a right to choice or control of one's body. Mary Anne Warren, 'An Argument that Abortion is Wrong', in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Blackwell, 2002, pp.83-93.

²⁰ Peter Singer, *The Expanding Circle: Ethics and Socio-biology*, Oxford, Oxford University Press, 1981.

Freedom and Justice Party's women's committee state that 'women should not march or protest as it is more 'dignified' to let their husbands and brothers demonstrate for them.'²¹ However, this leads to the question of why non-violent protests could harm a woman's dignity. Journalist Ellen McLarney argued that legislatively the FJP have made unprecedented advances, primarily in having the first Constitution to 'explicitly establish – without qualification – 'equality and equal opportunities for all men and women... without distinction, favouritism, or partiality, in rights and duties'.²² However, this does not change the status of the FJP as a traditionalist and hard-line Islamist party, with some members condemning more forward thinking reforms, and others condoning practices such as female genital mutilation which has been banned since 2008. And so, written legislation does not change people's attitudes, legislation doesn't have significant impact when the people creating and enforcing it do not endorse it, in fact can undermine it, thus reducing citizen responsibility to live up to it. Martha Nussbaum also recently stressed a similar point when she reflected on the well-written and extensive constitutions found in India and South Africa in that they make the 'fundamental rights of citizens and their equality explicit',²³ and yet we find terrible marginalisations in terms of the concrete experiences of certain minority groups. This makes reflection on peoples' social groups and social contexts all the more urgent if we are to change things, as to many it seems that communal ties play a more substantial role in the experience of morality, and this particular debate is explored later within this dissertation.²⁴ The fact that philosophers have so regularly drawn very particular lines at the margins of their conceptions of the moral community warrants reflection as the personhood criteria, which often accords this membership, creates an 'urgency in the real life stakes.'²⁵ However, if we start with 'real life' moral communities, we will find a range of wider exclusions emerging from the ways we define the person and define that membership and inclusion.

Most practitioners working to eliminate poverty regularly flag up the continued historical reality that women (and their children) have been, and remain, the most vulnerable members of their own communities and that this reality demands urgent response.²⁶ The effects of poverty and

²¹ Mona Elthaways' controversial article in Foreign Policy
http://www.foreignpolicy.com/articles/2012/04/23/why_do_they_hate_us?page=0,3#

²² http://www.jadaliyya.com/pages/index/11852/womens-rights-in-the-egyptian-constitution_%28neo%29li

²³ Martha Nussbaum, *Creating Capabilities*, Paper Presented at Bedales Philosophy Society, Hampshire, 9th May, 2014. A similar point is made here:
http://www.india-seminar.com/2008/581/581_martha_nussbaum.htm

²⁴ Carla Bagnoli, 'Respect and Membership in the Moral Community', *Ethical Theory and Moral Practice*, 10, no.2, 2006, pp.113-128.

²⁵ Eva Feder Kittay, 'At the Margins of Moral Personhood', *Ethics*, 116, 2005, pp.100-131.

²⁶ <http://www.theglobaljusticenetwork.org/>

gender inequality are often linked to the body of a woman; the ways in which policy makers' attempts to control women's bodies politically and culturally serve to preserve their highly vulnerable positions in society.²⁷ Similarly Bina Agrawal has explored the link between the low status accorded to women and increasing population and environmental degradation.²⁸ Aruna Gnanadson argues that in an Indian context women are always the worst affected by poverty and environmental depletion and stresses the need for an ethical approach that focuses on an interdependent and fully participating community, among other useful strategies to which I will return to throughout the dissertation.²⁹ And so, we need to be careful when speaking of 'being human' as securing membership within a moral community, as there are a range of implicit and wider exclusions and stigmas that can be seen when we explore particular moral communities.

Abortion debates, therefore, cannot be resolved in the abstract any more than issues relating to gender politics and poverty can, and especially not given the very real and current concerns relating to abortion guilt and stigma,³⁰ feminine (and masculine) cultural ideals and general health concerns relating to abortion and sexual behaviours. The World Health Organisation offers the following definition relating to what constitutes health, 'a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity.'³¹ This definition may well be over a decade old and considered by some to be utopian, but what is clear is that the focus on the socialised human being, and their social health, is central to any ethical discussion relating to abortion debates. I do not forward a framework based on the socialised human being in order to bolster arguments in favour of medical progress or the liberation of women solely; it is abundantly clear that abortion for the woman and her partner, medical practitioners and policy makers is less ideological and more nuanced and complex. The cultural constructions of men and women's moral identities have significant implications for the way in which they reflect on themselves as moral agents and in the way they are treated by others in abortion contexts. There

²⁷ The Global Justice Network cites issues relating to mandatory breastfeeding laws and population control measures. Edward Shorter, *Women's Bodies: A Social History of Women's Encounter with Health, Ill-Health, and Medicine*, New York, Basic Books, 1982.

²⁸ Bina Agrawal, 'The Gender and Environment Debate: Lessons from India', *Vachy Study Circle Readings*, no.16, SETV Centre for Social Knowledge and Action, 1992, pp.131-35.

²⁹ Aruna Gnanadson, 'Women, Economy and Ecology', in David G. Hallman (ed.), *Ecotheology: Voices from South and North*, Geneva, World Council of Churches, 1994, pp.79-185.

³⁰ Anuradha Kumara, Leila Hessini and Ellen M H. Mitchell, 'Conceptualising Abortion Stigma', *Culture, Health & Sexuality*, iFirst, 2009, pp.1-15; B Major and R Gramzow, 'Abortion as Stigma: Cognitive and Emotional Implications of Concealment', *Journal of Personality and Social Psychology*, 77, 4, 1999, pp.735-745.

³¹ http://www.who.int/bulletin/bulletin_board/83/ustun11051/en/

are socially pervasive expectations of both men and women in terms of their roles within sexual behaviours and procreation.

Conceptions of personhood, and associated abortion debates, have often failed to recognise that it is our moral culture, or moral community, which creates who we are. As Shannon M. Jordan and Frank Bouchier-Hayes argue, human beings do not exist in a relational vacuum they exist through their relationships with others.³² I too would reject any conception which conceives of individual human beings as independent units, abstracted from their relations with others; human beings exist through their varied relationships and are layered in nature, and are therefore best understood as relational, embedded and fractured beings in a concrete world.³³ Butler is right to hold us back from our intuitive desire to unify and view women as a group; women are so very diverse and as such we cannot define them as some sort of bonded group as ‘the very subject of women is no longer understood in stable or abiding terms.’³⁴ We do not necessarily help a woman in one culture facing radical marginalisation by drawing tenuous parallels with a woman in a vastly different context. Simone de Beauvoir’s notion of the ‘lived experience’ is informative here when she explores the idea of you as your lived experiences and these lived experiences relating to a particular body in a particular time and place or rather culture. The relevance of sex and gender can impact our lived experiences, but it depends very much on the situation and the culture in question.³⁵ Considerations on the task of defining gender are explored in order to help us see both the strengths and truths relating to women as beings that give birth, but also the dangers and subsequent exclusions that can result with such an ‘essentialist’ approach. What is required is a reflection on the ways we draw lines for membership and that we not only consider the marginal cases on the boundaries, but also keep alert to the very subtle and wider exclusions caused by stigmatisation and subordination.³⁶

Linked with my recommendation to focus on the relational and socialised human being and its relating moral communities, I suggest that rather than assuming that there is one big moral community, I propose that we must speak in terms of different moral communities in different

³² Shannon M. Jordan, ‘The Moral Community and Persons’, *Philosophy Today*, Vol. 30, no. 2, 1986; Frank Bouchier-Hayes, ‘Philosophers on Abortion.’ presented to the Limerick Philosophical Society in 1998. <http://www.minerva.mic.ul.ie/vol2/bh.html>

³³ Gabriel Marcel, *The Philosophy of Existentialism*, New York, Citadel Press, 1987, p.15.

³⁴ Judith Butler, *Gender Trouble: Gender Trouble: Feminism and the Subversion of Identity*, London, Routledge, 1999, p.11.

³⁵ Simone de Beauvoir, *The Second Sex*, London, Vintage Classics, 1997.

³⁶ Valerri Bryson, ‘Feminism’, in R. Eatwell, and A. Wright (eds.), *Contemporary Political Ideologies*, London, Pinter, 1999, p.206; Anuradha Kumara, Leila Hessini and Ellen M H. Mitchell, ‘Conceptualising Abortion Stigma’, *Culture, Health and Sexuality*, iFirst, 2009, pp. 1–15.

contexts. Multiple moralities exist within any given society and as such the moral community, and the conception of it forwarded within this dissertation, is a moral community that is varied and not fixed; varied due to our, the human beings, changing cultural contexts, and therefore, multi-layered identity. However, that is not to say that a global network of relationships is not possible, but what is central to any conception of a moral community under this framework is the idea of the relational and ‘nested’³⁷ being and the conception of permeating and interlocking moral communities; the moral community of human beings is not about neat linear bonds and connections or evolving concentric circles, where one bond leads to another bond or set of bonds, it is far more complex, interrelated, and even ‘messy.’³⁸

As Abraham Edel and other philosophical anthropologists have suggested, ethics and our sense of morality must be seen in the full and varied context of our human life, grounded in human experience.³⁹ I believe that any ethical approach needs to springboard from human experiences and from our complex and diverse situations and relationships. Edel sought to embrace the widest possible information about various existing moralities, and he lamented the limited ethical outlook taken by so many writers.⁴⁰ MacIntyre’s oft quoted loss of cultural context, and the shrill and barren state⁴¹ of moral dialogue, has considerable bearing on this debate, as without awareness of our particular cultural setting I do not think we can adequately explore the ethical dilemmas we might face. The debate becomes impoverished and severely lacking without proper reflection on our nature within the total social-cultural-historical context; it is this context that writers such as Lawrence C. Becker, Tove Pettersen and John P. Liza all remind us that forms and creates not only our shell, but our very nature.⁴² Detaching ourselves from our own very unique social, cultural and moral contexts is not a satisfactory method for ethical reflection. Whilst I would concede that this makes the debate ‘labyrinthian’ in nature, to use one of Edel’s reflections on the nature of ethical theory and social practice, that is no reason to avoid this

³⁷ Eva Feder Kittay, *Love’s Labour: Essays on Women, Equality and Dependency*, New York, Routledge, 1999, p.107.

³⁸ The Ethics of Vulnerability and the addressing of our complex and messy lives is explored by a range of writers today from various camps such as academic theology, social policy reformers, those writing from a feminist perspective and also writers within virtue ethics and care ethics: Jonathan Wyn Schofer, *Confronting Vulnerability: The Body and the Divine in Rabbinic Ethics*, Chicago, University Of Chicago Press, 2010; Robert Goodin, *Protecting the Vulnerable: A Re-Analysis of our Social Responsibilities*, London, University of Chicago Press, 1986; Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso Books, 2004.

³⁹ Irving Louis Horowitz and Horace Standish Thayer (eds.), *Ethics, Science, and Democracy: The Philosophy of Abraham Edel*, New Jersey, Transaction Publishers, 1987.

⁴⁰ *ibid* p.4.

⁴¹ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Notre Dame: University of Notre Dame Press, 3rd Revised edition, 2007.

⁴² Lawrence C. Becker ‘Human Being: The Boundaries of the Concept’, in Michael F. Goodman (ed.), *What is a Person?*, Clifton: New Jersey, Humana Press, 1988, pp.57-82; J. P. Liza, ‘Persons: Natural, Functional, or Ethical Kind?’, *American Journal of Economics and Sociology*, 66, 2007, pp.195–216; Tove Pettersen, *Comprehending Care*, Plymouth, Lexington Books, 2008, p.xii.

minefield, as to do so is likely to reduce our understanding of our varied nature and will also mean we are not fully alert to the reality of our socialised identity, a reality that leaves human beings vulnerable and exposed to exclusions.

Chapter One of the dissertation, **Moving on from Personhood**, explores some of the varying conceptions of personhood before considering some of the major concerns with these approaches and 'personhood' in general. As David Wiggins has suggested, philosophers have tried to hold together three main aspects within their conceptions of personhood: an object of biological, anatomical and neurophysiological inquiry; a subject of consciousness; and a locus of all sorts of moral attributes and the source or conceptual origin of value.⁴³ What has resulted is a focus on one of these aspects at the expense of the other, or at best a writer may bolt on other considerations at certain junctures - and this has been most notable within the philosophical discussion about personal identity, where very often the discussion has dislocated human identity from its cultural context. This is not to embrace the 'healthy tension' to which Robert Spaeman refers; he also writes that when we speak of personhood, we must acknowledge that personhood is situated quite firmly in the lives of human beings.⁴⁴ I have particularly drawn on the way Butler and other sociologists have approached the issue of our so called 'essential nature' within the dissertation; demonstrations and reflections that reveal how difficult it is to give an account of oneself. Our identity is opaque and complex and our 'situation' is in fact crucial to an ethical understanding of the human being. I would agree that we can know ourselves only incompletely, and only in relation to our context or moral culture - a culture or moral world that has always preceded us and already shaped us in ways we cannot always grasp.⁴⁵

We cannot promote a concept of personhood that abstracts persons from the cultural and moral settings from which they operate. Instead a more complex and layered appreciation for the lives of others, which enriches our understanding of the self, is required. I would recommend that philosophers cut loose from the personhood, criteria driven, approach to the self. Rather than offering a new discourse of persons understood as human beings qua social, community bound beings, I feel it is essential to use the term 'human being' and not the term 'person.' We operate in a human culture and setting as human beings and it is from here that we have constructed the

⁴³ David Wiggins, 'The Person as Object of Science, as Subject of Experience, and as Locus of Value', in A. Peacocke and G. Gillett (eds.), *Persons and Personality*, Oxford, Blackwell, 1987.

⁴⁴ Robert Spaeman, *Persons: The Difference between 'Someone' and 'Something'*, Oxford, Oxford University Press, 2006.

⁴⁵ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005; J. Aaron. Simmons, 'Giving an Account of Oneself', *Journal for Cultural and Religious Theory*, Vol. 7, no. 2., Spring 2006, pp.85 -90.

idea of personhood and the moral agent. The use of the term person is to stress the individual being and the accountable and autonomous nature of a being, and as such it suits legal and highly formal or metaphysical contexts.

The term 'human being' suits the ethically 'given' or 'bottom-up' approach and framework I wish to endorse within this dissertation as opposed to an ethically 'demanding' or 'top-down' position, which should still have a place within ethical dialogue but a very different role. To extrapolate briefly, when referring to ethically given positions, I mean those facts about human nature that we can know to be features of human lives due to our biology but also due to our lived experiences, and certainly the labelling of something as a person is a characteristically anthropological use of the term. Ethically 'given' positions must draw on social and cultural factors and also other fields of study such as psychology and, most importantly, anthropology. Ethically demanding positions require a more demanding test for personhood to be bestowed and such a position often involves drawing a line around a group of beings due to the certain capacities that they can exhibit. The defining of personhood has come to refer to some particular quality or set of qualities that all persons are said to have in common, but it has also become much more, in that this quality or set of qualities has become a test and accords with certain rights being accorded and membership within a particular type of moral community.

Kant famously attributed rationality to humans as it served as an indicator of moral agency and the personhood rhetoric has involved the drawing of distinctions and the testing and checking for capacities. John Locke, to with which whom one of the most famous personhood definitions is attributed,⁴⁶ has written that the faculty of thinking separates the meaning of 'man' from 'person.' 'Man according to Locke, is 'nothing but a participation of the same continued Life.....united to the same organised Body.'⁴⁷ A person, however, is 'a thinking, intelligent being that has reason and reflection and can consider itself as itself.'⁴⁸ Personhood status for Locke, and for a large number of philosophers, hinges on reason, because 'reason is that faculty which comes nearest the excellency of (God's) own incomprehensible being.' And so the ability to reason and think abstractly enables him to come to believe in God, enables him to be morally accountable and it is that quality which is shared between God and some men, and so for Locke, personhood is a rhetoric of status and elevation. We witness that certain types of capacities such as the ability to reason and think abstractly become the 'gold-stamps' for moral agency. Likewise,

⁴⁶ Book II, Chapter 27, 9.

John Locke, *An Essay Concerning Human Understanding*, Oxford, Oxford University Press, 1975, p.335.

⁴⁷ *ibid*, Book II, Chapter 27, 6.

⁴⁸ *ibid*, Book II, Chapter 27, 9.

autonomy and impartiality have something of a stronghold on the personhood and ethical dialogue. That is not to say that I do not think reason and autonomy cease to be important within ethical dialogue, far from it, but I do think they need to be recast alongside Gilligan's notions of mature care and the morally mature agent who balances and embraces, rather than distances, ideas about the self and the other, and where reason is not pitted against, or elevated above, the emotions. There is a danger with seeing reason as abstract and disembodied⁴⁹ and instead I endorse an embodied understanding of ourselves.

The competing personhood theories often seek to elevate the person from the very factors we should be giving our full attention; factors such as the social and cultural, or an individual's relations to others which may determine the nature and identity of the being residing within a moral community. We must not look to see what type of being is accorded membership within a moral community, but instead look at varying moral communities and see that the human being in a moral community is effectively one word, and that the human being is always operating in a moral context. Gilligan states that 'deciding about abortion is not a unique problem disconnected from all other decisions and moral settings, but rather a dramatic and intensely lit example of choices people must make throughout their lives.'⁵⁰

Gilligan and Kittay, and those who seek an ethic and justice of care echo such feelings; such an approach moves away from equality of capacities and instead towards the fact that each of us is some mother's child⁵¹ and that we are all given over to each other from the start due to our vulnerable and bodily nature.⁵² I develop the idea and relevance of being human and human birth in relation to conceptions of the moral community. Any position or definition of personhood has immediate practical significance and what we observe from some of the literature, is an author defining the beginning and ending of personhood in order to allow for certain moral behaviours; we act according to how personhood has been defined and so the personhood dialogue is often caught within a hermeneutic circle. As Ruth Macklin referred, 'the antecedent values writers embrace determine the definition or criteria they arrive at by way of conclusion.'⁵³ Therefore, the question 'who or what is a person?' takes on new and more urgent meaning in

⁴⁹ George Lakoff, *Women, Fire and Dangerous Things: What Categories Reveal about the Mind*, London, Chicago University Press, 1987, p.xi.

⁵⁰ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, Cambridge, Massachusetts, Harvard University Press, 1993, xii.

⁵¹ Gilligan stresses our uniting infant stage and the fact that no child can survive without being in a relationship and as such interdependence is the common human experience; as children grow into adults it is our relationships and the possibility of abandonment and our vulnerability that form the fundamental features of human lives. Carol Gilligan et al, *Mapping the Moral Domain*, Cambridge, Massachusetts, Harvard University Press, 1988.

⁵² Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.77.

⁵³ Ruth Macklin, 'Personhood in Bioethics Literature', *Milbank Memorial Fund Quarterly, Health and Society*, 6, 1, 1983, pp.35-57.

light of contemporary biomedical opportunities and this question needs to be placed within a social, rather than an individualistic framework.⁵⁴ Personhood and abortion debates cannot languor in the abstract. Over-simplifying ‘the abortion debate,’ situating it in the realm of the abstract, denying the frequency with which abortions occur, failing to reflect on the varying cultural dimensions, focussing on one being’s rights over another and not fully exploring the experiences of all those concerned are all fundamental to the creation of marked categories and the morally repugnant exclusions to which Kittay refers.⁵⁵

Chapter Two, The Moral Community of Human Beings, further explores the themes of membership within a moral community and what exactly is meant by a moral community. I referenced Kant above and the idea that rationality was the indicator of moral agency; all rational beings should be treated never as a mere means but always as ends in themselves. Kantian ideas about rational moral agency or moral autonomy means that agents with such capacities can be the bearers of moral obligations and as such can function in a type of moral community. Many writers consider the idea of moral community in a similar way to how they approach personhood conceptions; they consider who qualifies for membership within the group and they tend to focus on a set of abilities in order for the inclusion of that being. Instead we should be considering moral communities from the perspective of context in the sense that moral communities are concrete and they emerge from our social settings. The human being is always in a moral community and this intimately overlaps with their particular social groupings (whether that is a natural, conventional or arbitrary social grouping) that figure so largely in our actual lives. The socialised human being is both created by and left vulnerable by our social nature. Recent studies into abortion stigma reveal the process of favourable similarities and also unsavoury differences between human beings being labelled. What then follows is the creation of the ‘us-and-them’ culture, referred to already in this introduction, in that these labelled persons are effectively replaced within a separate category outside of the in-group and their moral community. This then leads to practical exclusions given that the person will feel this status loss, but they will also face ‘real’ and unequal outcomes and discrimination necessarily follows.⁵⁶ This loss of status within a social network is ‘fundamentally a moral issue in which stigmatised conditions threaten what really matters.’⁵⁷ The being at the heart of any moral community is a

⁵⁴ Ruth Chadwick (ed.), *Ethics, Reproduction and Genetic Control*, London, Routledge, 1993.

⁵⁵ Eva Feder Kittay, ‘At the Margins of Moral Personhood’, *Ethics*, 116, 2005, pp.100-131.

⁵⁶ H. Bashour, et al., ‘Syrian women’s perceptions and experiences of ultrasound screening in pregnancy: Implications for antenatal policy’, *Reproductive Health Matters*, 13, no. 25, 2005, pp.147–54.

⁵⁷ L. H. Yang et al., ‘Culture and Stigma: Adding Moral Experience to Stigma Theory’, *Social Science and Medicine*, 64, 15, 2007, 24–35.

socialised human being and any understanding of a moral community must draw on social groups.

In this Chapter, I explore philosophical and anthropological conceptions of community and a moral community. As stated above, I move away from the language of *the* moral community, as if there is just one ideal and mythical realm and instead explore just how complex the idea of *a* moral community is. We need to appreciate the complexities of talking about any moral community but also embrace the idea of lots of different moral communities in different contexts. Abraham Edel's work with his wife Mary Edel in *Anthropology and Ethics* is explored, as is the way that anthropology embraces a bottom up approach to ethics, in the sense that it is a descriptive process of reflecting on what is done in a particular setting and this helps me to bolster my argument about moral context.⁵⁸ Clifford Geertz is a writer to whom I return regularly throughout the dissertation as he looks to the empirical studies of anthropology and he argues that what is important is that in order to understand the person or human being we must firmly position the inquiry within the presence of each human beings distinct human moral community or moral culture. Geertz quite rightly stresses that man is what he is, and what he becomes, by virtue of his culture.⁵⁹

Applying the context of the moral community of human beings to abortion debates will ensure that we consider moral codes that have emerged within our varying social and cultural contexts and will also demand that we reflect, and perhaps, even alter them. This approach immediately makes relevant not just our biological status as a human being and facts about the body, reproduction and pregnancy, but a whole range of factors relating to our emotions, sexual behaviours, parenting and also gender and cultural constructions relating to these ideas.⁶⁰ Abortion stigma and the impact of gendered norms has an important place within this dissertation as does the writings by those working within the field of the ethics of vulnerability and care ethics; care ethicists seek to attend to certain key areas, such as our nature as embedded beings, that certain emotions are valued (and of relevance to ethical dialogue) and that the morality of creative nurturance is transformative.⁶¹ The issue of abortion stigma and 'unliveable

⁵⁸ Abraham Edel and Mary Edel, *Anthropology and Ethics: The Quest for Moral Understanding*, New Jersey, Transaction Publishers, 2000.

⁵⁹ Clifford Geertz, 'The Impact of the Concept of Culture on the Concept of Man', in *Bulletin of the Atomic Scientists*, Chicago/IL./USA: The Atomic Scientists of Chicago, vol. 22 no. 4, 1966, pp.2-8.

⁶⁰ Rosalind Hursthouse, 'Virtue Theory and Abortion', in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Oxford University Press, 2003, pp.94-102.

⁶¹ Virginia Held, 'Care Ethics', in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, pp. 537-566.; Paul Gomberg, 'Abortion and the Morality of Nurturance', *Canadian Journal of Philosophy*, Vol. 21, No. 4, 1990.

human lives'⁶² are further marginalisations that can emerge from a type of moral community, in that many people face a severe type of isolation because of this decision and because of their bodily constructs,⁶³ and this is taken up in the final chapter of the dissertation

In **Chapter 3, Care Ethics, Phenomenology and Abortion**, I argue that an ethic of care, coupled with a phenomenological approach, will provide the most fruitful framework when responding to ethical issues generated by abortion debates. As noted above, persons have come to be viewed and understood as beings that are rational, independent, autonomous agents and this is certainly the view found within the two predominant ethical theories of Utilitarianism and Kantian Deontology. As Virginia Held notes, 'this conception of the person provides moralities highly suitable for legal, political and economic interactions between abstracted beings.'⁶⁴ Whereas Care Ethics is an ethical framework that understands that human beings are situated and operating within a web of complex networks and 'nested dependencies.'⁶⁵ Agency, for the care ethicist, is not criteria driven, and thus viewing the moral agent as either having capacities or failing to have them, but agency is seen as existing on a continuum⁶⁶ and very much within the context of relationships. Gilligan and Nel Noddings astutely reflect on how capacities and abilities do not develop as an individualised activity or process, but rather in relation with others.⁶⁷

Proposing an ethic of care framework for the abortion debate is not, I believe, to forward a solely female perspective when considering the ethical considerations surrounding abortion debates. Gilligan and others⁶⁸ have generated a general account of feminine identity which could be criticised as being 'essentialist' and as elevating the sacred mother⁶⁹ metaphor as a defining experience for women. However, I wish to use an ethic of care framework in order to consider a wide and varied range of social and cultural communities and moral identities. An ethic of care

⁶² Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso Books, 2004, p.27 and p.43.

⁶³ *ibid* 43.

⁶⁴ Virginia Held, 'Care Ethics', in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, p.542.

⁶⁵ Eva Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, New York, Routledge, 1999, p.110.

⁶⁶ This is an important point but the continuum idea does need to be understood with caution as there is, in fact, a difference between the fertilized ovum and the newborn infant and I explore the 'decisive moment' arguments and the gradualist positions in **Chapter One: Moving on From Personhood**.

⁶⁷ Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education*, Berkeley, University of California Press, 1984.

⁶⁸ Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development*, Cambridge, Mass., Harvard University Press, 1993; Nancy Chodorow, *The Reproduction of Mothering*, Berkeley, University of California Press, 1999 and Nancy C. M. Harstock, *Money, Sex and Power: Towards a Historical Materialism*, Boston, Northeastern University Press, 1983.

⁶⁹ Jacqueline Davies is quoted in Amy Mullin, *Reconceiving Pregnancy and Childcare: Ethics, Experience, and Reproductive Labour*, Cambridge Studies in Philosophy and Public Policy, Cambridge, Cambridge University Press, 2005, p.3.

approach values caring and interpersonal relationships – full and varied types of relationships must be acknowledged and valued. Care Ethics, like Communitarian Ethics, stresses the interdependence of human beings and thus takes relationships seriously, especially relationships within the family and a range of communities if developed effectively. The importance of taking relationships seriously cannot be underestimated, in that relationships are essential to agency and our moral lives. The cultural constructions of male and female moral identities have significant implications for the way in which they reflect on themselves as moral agents and in the way they are treated by others in abortion contexts.

Care Ethics considers the full range of possible relationships, both intimate or within the wider community, but the approach also considers the context of a particular relationship. Care Ethics naturally encourages sympathy, empathy and care for others, but that is not without, or at the cost of, caring for oneself. Gilligan speaks of the importance of ‘mature care’⁷⁰ which sees that authentic living requires there to be some moral equality between caring for the self and caring for others. In terms of abortion debates, an ethic of care could add some complications in that this approach could perhaps reduce the ethical decision to that of deciding whether to nurture or not nurture, and given the value placed on the sentiment of care and nurture it may appear as if care ethics would foster an opportunity for this type of experience. However, if we consider abortion in terms of Gilligan’s mature care, we should be reminded of the reality that you cannot do anything to the foetus without doing something to the mother and as such her lived experience, feelings, emotions and contextual settings need to be considered in full.

Care Ethics naturally lends itself to being considered alongside a phenomenological approach in that a person’s own internal existence requires reflection. A phenomenological approach requires that we value relationships in a very particular sense in that we should learn about another person by listening to their descriptions of what their subjective world is like for them on the inside. A phenomenological approach demands that we have an encounter and that we listen as fully as possible, without interference, bias and preconceived ideas. Noddings writes that our ability to empathise with others is the finest and most important quality to being human.⁷¹ Empathy is fully fostered within the phenomenological approach which stresses that we need to continually examine and re-examine our biases and presuppositions. The approach seeks to find the fullest possible understanding, but it starts with the co-enquirer wanting to understand another person’s world through experiences and social reality. In terms of abortion debates this

⁷⁰ Carol Gilligan, *In A Different Voice: Psychological Theory and Women’s Development*, Cambridge, Mass., Harvard University Press, 1993.

⁷¹ Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education*, Berkeley, University of California Press, 1984, p.8.

approach can help to give some value to the father or partner within the pregnancy and abortion dialogue, as this is an area that ethicists and society need to navigate more effectively and as such seek to include his voice in the process of decision making. This fundamental social reality to all our experiences transforms how we communicate and engage with others and it points towards interdependence between social beings. The phenomenologist sees that social reality is always composed of persons in society, people are always in some sense in a society, and are also always in a situation.⁷²

Tove Petterson takes up this strand in Care Ethics when she develops Gilligan's mature care and says that co-feeling is essential for ethical dialogue.⁷³ Co-feeling is the seeking to understand the full complexity of the other person's situation. To return to the woman within the abortion dialogue, we ought to ask ourselves how we would respond to a woman who does not want a child. The care ethicist would stress understanding, support and guidance - there is no room for chastising and prescribing set behaviours. We are not the knowing agent that knows best; care would involve participating and engaging in that person's feelings and that person's life project and subjective and lived experiences. Petterson also steers away from a solely feminist ethic and I am in full support of such a move as it is essential to consider the situation and complexities facing men in society today, as Gilligan has since gone on to write about. Care needs to be appreciated and fostered by both boys and girls and men and women. Abortion is not a 'typical' or solely female dilemma because abortion is a connected and complex choice and whilst the woman's role is undoubtedly unique there are still important factors related to masculine identity and parenting needing to be considered. Reproductive narratives and technological developments have transformed attitudes towards men and women and their roles and value in society and it is imperative that we reflect fully on these affects.⁷⁴

Butler offers further insight, which I think is imperative for the abortion narrative, when she speaks of liveable and unliveable lives and these themes are explored in **Chapter Four, Vulnerability, Liveable Human Lives and Inclusivity**. Butler's approach to ethics demands we acknowledge our vulnerability; she argues that this fundamental vulnerability, and the extent to which we are all 'given over to the other from the start, is the basis of our responsibility to respond ethically to the other and that which is human.'⁷⁵ Similar ideas are explored by Robert

⁷² <http://www.sonoma.edu/users/d/daniels/phenomlect.html>

⁷³ Tove Petterson, *Comprehending Care*, United Kingdom, Lexington Books, 2008, p.23.

⁷⁴ Ruth Chadwick (ed.), *Ethics, Reproduction and Genetic Control*, London, Routledge, 1992, p.xii.

⁷⁵ Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso, 2004, p.21.

Goodin, who argues that our vulnerability and the vulnerability of others forms the moral basis of our moral responsibilities; his framework attends to our relational and embedded nature, the highly relative approach to caring for those closest to us as well as also effectively exploring our wider networks and circles of social responsibility.⁷⁶ Butler observes that some societies ‘construct’ bodies that are not ‘grieveable’ or worthy of mourning; these bodies ‘do not matter’ and they are not recognised as being human (having lives that are worthy of protection) and so not all lives are seen to be ‘liveable lives.’ The construction, and domain, of ‘liveable lives’ therefore constructs the realm of ‘unliveable lives’; those lives that are not afforded respect or the right to live according to one’s own way of being. Butler emphasises the importance of considering: ‘...what humans require in order to maintain and reproduce the conditions of their own liveability, and what are our politics such that we are, in whatever way possible, both conceptualizing the possibility of the liveable life and arranging for its institutional support.’⁷⁷ In practice this demands that we seek to build moral communities and societies that are fully inclusive as consideration must also be given to how society can provide the space and support for different forms of ‘liveable lives’ to develop and be recognised. Again I return to the need for a more inclusive and broad definition and understanding of our human nature and, therefore, the communities we operate within.

Vulnerability is what is common to the human being; human life is conditioned by vulnerability.⁷⁸ Butler stresses that all human bodies are social and exposed to varying degrees of violence: ‘the body implies morality, vulnerability and agency: the skin and the flesh expose, us to the gaze of others, but also to touch and violence.’⁷⁹ We are united by this exposure, but we are left vulnerable due to the fact that we are social in nature. Our social nature and certain social, cultural and political conditions need to be constantly reflected upon given that our ‘vulnerability becomes highly exacerbated under certain social conditions.’⁸⁰ Certain human lives are certainly excluded according to Butler in that she recognises that whose lives matter depend on certain social and cultural norms and certain human bodies are not recognised as being human or as having lives worthy of protection and nurturing. Thus she questions: ‘Who counts as human?’

⁷⁶ Robert Goodin, *Protecting the Vulnerable: A Re-Analysis of our Social Responsibilities*, London, University of Chicago Press, 1986.

⁷⁷ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.20.

⁷⁸ Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy*, Oxford, Oxford University Press, 2014, p1.

⁷⁹ Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso, 2004, p.20.

⁸⁰ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.20.

Whose lives count as lives?’ Butler reminds us of the uniting truth of violence and vulnerability and that we are all bound together because of this. She writes that the human condition of interdependence and vulnerability should be the very basis of reimagining – instead of destroying – the possibility of community.⁸¹

Chapter Five, Abortion Stigma and other Exclusions, explores the practical implications of the socialised human being and some of the exclusions a moral community can create; these include the vulnerability facing both males and females relating to violence and sexuality as well the real and current issue of abortion stigma.

Abortion and unwanted pregnancies have generated ethical issues since time immemorial and there is evidence that abortion has been practiced throughout human history.⁸² George Devereux’s influential work on the history of abortion around the world, revealed both the regularity and variance relating to the practice.⁸³ Today, there is a plethora of data and research to suggest that abortion is one of the most common gynaecological experiences and that perhaps the majority of women will undergo an abortion in their lifetimes.⁸⁴ The research on the impact of abortion abounds: there is evidence that reveals dangerous health related stigma to the abortion procedure in some cultures; there are also considerable dangers for women who cannot seek an abortion easily; there are also articles indicating that, in opposition to stronghold views that abortion is stigmatised, within some age groups abortion is not only openly discussed but becoming normalised⁸⁵ and even glamorised.⁸⁶

The impact of abortion on women’s health confirmed my thoughts on the need for a contextual framework; the abortion dialogue needs the springboard of a uniquely human moral community. Such an approach is not to flatten out the abortion rhetoric, far from it, or to uphold the elevated position of the ‘person,’ but rather attends to the real thrust of the abortion narrative – that it is an ethical dilemma set within a very particular and complex human moral community.

⁸¹ Judith Butler, *The Power of Mourning and Violence*, London, Verso, 2004, p.20.

⁸² Christopher Tietze and Sarah Lewit, ‘Abortion’, *Scientific American*, 220, 1969, p.20.

⁸³ George Devereux, *A study of abortion in primitive societies*, New York, International Universities Press, 1976.

⁸⁴ E Ahman and I Shah, *Unsafe abortion: Global and regional estimates of unsafe abortion and associated mortality in 2000*, 4th ed., Geneva, Switzerland: World Health Organisation.

⁸⁵ <http://www.theguardian.com/commentisfree/2010/may/26/abortion-marie-stopes-women>

⁸⁶ <http://www.lifenews.com/2004/02/11/nat-334/>

As Tom Shakespeare so astutely reflects, ‘people are disabled by society *and* by their bodies.’⁸⁷ Many human beings face dangerous marginalisations and exclusions because of their decision to have an abortion, because they were trying to attend to their own complex set of health needs - health needs that relate to both their bodily nature, but also their wider social settings.

With ever-expanding networks and ‘moral communities,’ the need to recognise ourselves as human beings - participants in a fluid and varied moral community - is essential. It is from this platform that we can then refuse to enact exclusions and try to live out Butler’s call to make a concern for all human lives a real and valid ethical concern. The moral status of the human foetus within this dynamic is certainly unique. The foetus is most in a direct relationship with the woman and since no one else can do anything directly to the foetus without also doing something to the woman, the decision to continue with the pregnancy is rooted within her life experiences.⁸⁸ That is not to reduce the role of the father within the abortion discussion, as an ethic of care and phenomenological approach seeks dialogue and the fullest possible picture when facing ethical decisions in social settings. Human beings are fundamentally relational beings and the moral agent is relational in that each of us develops through our relationships with others. The human being is both created and left vulnerable by our social nature and so the most important question for any ethical system and conception of a moral community is, does this approach give full inclusion and consideration to human beings and their varying and diverse lives?

The screaming rhetoric about rights and murder⁸⁹ remains a striking peculiarity within abortion debates; abortion is not an isolated abstract choice between rights claimants or the principles of sanctity and autonomy. In its simplest sense, abortion could be said to be about ‘the self,’ but more accurately it is about the self in context; in the context of relationships, in the context of our experiences and it should also be understood within the context of health and the prevention of harm in the fullest and most nuanced of senses.

⁸⁷ Tom Shakespeare, *Disability Rights and Wrongs*, Abingdon, Routledge, 2006, p.2.

⁸⁸ Susanne Gibson, ‘The Problem of Abortion: Essentially Contested Concepts and Moral Autonomy’, in Ruth Chadwick et al (eds.), *The Bioethics Reader: Editors’ Choice*, Oxford, Blackwell Publishing, 2007, pp.447-459.

⁸⁹ Ronald Dworkin, ‘Feminism and Abortion’, in *New York Review of Books*, June 10, 1993.
<http://www.nybooks.com/articles/archives/1993/jun/10/feminism-and-abortion/>

Chapter One: Moving on From Personhood

1.1 Conceptions of Personhood and related Abortion debates

The literature on personhood certainly abounds, and it would be fair to say that writers have often embraced the idea of competing conceptions of personhood. This is not surprising, given the real life ‘urgency’ to which Eva Feder Kittay refers and yet many authors have been somewhat intrigued by the fascination with the term ‘person.’⁹⁰ To argue for a broad and inclusive conception of personhood gives a maximum level of protection to certain beings, whereas traditionally conceptions of personhood have in fact been considerably narrower in their reach. Conceptions of personhood have generally argued that there is a particular ‘essence’ that a person possesses and that there is set of criteria that must, or should, be present for someone to be considered a person. Morality is anchored in respect and more specifically respect for the person; when philosophers use the term ‘person,’ they use it to make a distinction between being alive biologically and having a life that matters morally and is worthy of respect.⁹¹ If we ‘respect’ persons, then we have a moral duty to acknowledge that being’s, or agent’s, autonomy; we have obligations to persons, therefore, that we do not have to other beings and as such certain moral behaviour is not permitted by virtue of someone or something being granted personhood.

‘The abortion debate’ is an area where the demarcation between the human being and the person is regularly cited and discussed (although there is also much interchangeable usage of the two terms). There are varying competing conceptions of personhood which tend to focus on the capacities a being must possess (often a human being opposed to other beings) in order for it to ‘gain’ personhood or to be seen as a person, and therefore a bearer of certain moral rights. The importance for the abortion debate is clear, therefore, since to accord personhood at a certain stage is to then endow the foetus with certain levels of protection. This of course assumes then that personhood and a being with certain rights go hand in hand. Therefore, personhood becomes some sort of talisman to ward off unethical behaviour and the term to label a being with, if it is to be protected; there are things we do to non-persons that we would never do to persons. Philosophers have sought, confusingly, to analyse and elevate the concept of ‘person’ and competing conceptions of personhood have pursued the specific individual qualities that grounds a being’s claim to having a morally significant life.

⁹⁰ Michael F. Goodman, *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, p.1.

⁹¹ J. Harris, ‘Experiments on Embryo’s’, in J. Harris (ed.), *Clones, Genes and Immortality: Ethics and the Genetic Revolution*, Oxford, Oxford University Press, 1994, pp.44-46.

When the discussion of personhood and abortion was perhaps at its height, Ruth Macklin responded to this stand-off, or ‘impasse’⁹² within the debate and concluded that continued focus on personhood would be of little help in seeking any kind of consensus. I would certainly agree with Macklin’s concerns about hermeneutics and methodology within the dialogue; it is a striking feature of the abortion and personhood debate that authors have defined the ‘starting point’ of personhood so that we can act in a certain way, that is we act according to how we have defined it so. ‘There are some serious problems with the personhood and abortion rhetoric, as I will explore shortly, and I believe that we need to disengage with the concept of the person (in the way that Judith Jarvis Thompson and Dom Marquis suggest’⁹³). In the case of the abortion rhetoric, so much of the problem surrounding the dialogue is that persons are very often seen as ‘reason givers’ or the ‘bearers of moral obligations’ rather than a being in relation to another being. The term ‘person’ is, therefore, too narrow in its scope; it does not address the fullness of human nature and our layered moral identity. It is what I referred to in my introduction as an ethically demanding principle and it endorses a top-down approach to the issue of our nature opposed to an ethically given or bottom-up approach.

Alasdair MacIntyre has explored the quite ‘remarkable history’⁹⁴ of the term ‘person’ and his writings have been an important springboard for this dissertation. MacIntyre writes in his book *Dependent Rational Animals* that ‘human vulnerability and disability’ are the ‘central features of human life.’ He argues that the ‘Thomistic ‘virtues of dependency’ are needed for individual human beings to flourish in their passage from stages of infancy to adulthood and old age.’⁹⁵ Whilst Kantian ethics requires moral agents to be rational and autonomous, because a rational being has the ability to comprehend and implement the moral law, virtue ethics requires a focus on relationships in that practice and experience is essential to the developing character of the moral agent. The discussion about living an objectively desirable life is an ancient one; is this aim a chief human good? Authors’ views on human nature and human psyche vary enormously as I have stressed, but how can we know what it is to flourish without knowing what it is to be a human being.

⁹² Ruth Macklin ‘Personhood in the Bioethics Literature’, *Milbank Memorial Fund Quarterly, Health and Society*, 6, (1), 1983. pp.35-57.

⁹³ Judith Jarvis Thompson complains that the singular person has become contaminated by the things philosophers have said about the plural form person. She therefore favours ‘people’ as a plural and laments the non-existence of a proper singular form of it. Dom Marquis also makes a case to say that it is a mistake to that all, or even most ethical dilemmas will be answers if we resolve the question and definition of personhood.

⁹⁴ Alasdair MacIntyre, ‘Review: The Person and the Human Mind: Issues in Ancient and Modern Philosophy by Christopher Gill’, *Arion*, Third Series, Vol. 1, No. 3, Fall 1991, pp.188-194.

⁹⁵ Alasdair MacIntyre, *Dependent Rational Animals*, London, Duckworth, 1999, p.8.

The concept of personhood has been so visibly central to our moral, metaphysical and cultural systems of thought and, as we shall see, it has not only a historical depth to it, but also an evolving nature. The concept of the person falls into what W. B. Gallie terms an ‘essentially contested concept’,⁹⁶ that is, a concept over which there is disagreement over its proper use and where ‘there is no clearly definable general use....which can be set up as the correct or standard use.’ Each party continues to defend its case with what it claims to be convincing arguments, evidence and other forms of justification.⁹⁷ Some have argued that the concept of the person is an essentially contested concept and if it is fundamental to the abortion debate then the debate is therefore not able to be resolved. Whilst I would agree that the term ‘person’ is the major problem within the abortion dialogue I do not think the term is fundamental to the debate, and likewise I am not sure the language of ‘solving’ and ‘resolving’ the abortion problem really grasps the complexities of the issue. There are in fact good reasons to continue to engage with the dispute and not completely abandon the term ‘person’ however, the competing personhood theories have often sought to elevate the person from the very factors we should be giving our full attention. As Amélie Oksenberg Rorty writes ‘what is required is not more ingenuity for more elaborate strategies, but an understanding of the conflicting interpretation of what has been at issue.’⁹⁸ To understand the conflicts and pitfalls will mean that the dialogue can move forward more effectively and, as I will try to show, using the term ‘person’ should be done within the context and setting from which the term derived.

We cannot promote a narrow concept of personhood that abstracts persons from the cultural and moral settings from which they operate. We could have, and maintain, a narrower usage for the term ‘person’ but only if we then embrace a wider and richer moral vocabulary and one that makes central usage of the idea of the human being. This vocabulary would endorse a more complex and layered appreciation for the lives of others and as such it would enrich our understanding of the self. I would recommend that philosophers cut loose from the personhood, criteria driven, approach to the self; rather than offering a new discourse of ‘persons’ understood as human beings qua social, community bound, beings I feel it is essential to use the term human being and not person (as the idea of the ‘person’ is not redundant, but rather specific and narrow in its scope). The socialised human being in a moral community needs to be the predominant

⁹⁶ W. B. Gallie, ‘Essentially Contested Concepts’, *Proceeding of the Aristotelian Society*, LVI, 1956, pp.167-198; Susanne Gibson, ‘The Problem of Abortion: Essentially Contested Concepts and Moral Autonomy’, in Ruth Chadwick et al (eds.), *The Bioethics Reader: Editors’ Choice*, Oxford, Blackwell Publishing, 2007, pp. 447-459.

⁹⁷ W. B. Gallie, ‘Essentially Contested Concepts’, *Proceeding of the Aristotelian Society*, LVI, 1956, pp.167-198.

⁹⁸ Amélie Oksenberg Rorty (ed.), *The Identities of Persons*, London, University of California Press, 1976, p.1.

understanding we forward when considering ethical, social and political dilemmas. As stated in my introduction, abortion debates cannot be resolved in the abstract any more than issues relating to gender politics and poverty can. However, that is not to say that a more formal and individualised term such as the term ‘person’ should become redundant and I explore the use of the two terms, ‘person’ and the ‘human being’, at the end of this chapter.

The abortion discussion requires a bottom-up approach and an ethically given understanding. Bottom-up thinking⁹⁹ requires an approach that starts with the facts and is bound to the particulars – facts of time and context. A top-down approach and ethically demanding position, however, starts with higher principles or categorical formulations. However, definitions of personhood are not simply lofty speculations as they have immediate moral significance, if we equate personhood with a morally significant life. I do not believe that abortion debates can be addressed effectively by legislating definitions, but that has certainly been the method of choice for many philosophers. What follows in the section below is a summary of the predominant ways that personhood has been accounted for, and how these have informed abortion debates.

1.1.1 Biological accounts of Personhood

The biological understanding of personhood, or what Simon Evnine refers to as realism,¹⁰⁰ could be viewed as almost stunningly successful in that it has provided an observable framework as ‘science can tell us what is a human being’¹⁰¹ and what is not. Science defines life as the possession of self-sustaining biological processes, and such a definition certainly helps to distinguish between the living and the dead.¹⁰² It is perhaps the most obvious way to see ‘persons’ as constituting a real kind, this is to identify the kind person with the biological kind *Homo sapiens*.

Much personhood criteria forwarded by authors hinges around our biological nature and this has strong historical roots in an Aristotelian and Thomistic framework, which holds that the human person is a composite of a biological organism and an intellectual soul. We will consider

⁹⁹ This term may well be used by other writers but my exposure to the term ‘bottom up thinking’ and a given position (opposed to open position) emerged from the writings of John Polkinghorne, a physicist writing within the religion and science dialogue rather than the field of ethics. John Polkinghorne, *Exploring Reality: The Intertwining of Religion and Science*, London, Yale University Press, 2007, pp.7-9.

¹⁰⁰ Simon J. Evnine, *Persons and Other Matters*, Oxford, Oxford University Press, 2010, p.2.

¹⁰¹ David Wiggins, ‘The Person as Object of Science, as Subject of Experience, and as Locus of Value’, in A.Peacocke and G.Gillet (eds.), *Persons and Personality*, Oxford, Blackwell, 1987.

¹⁰² Self-sustaining biological processes including: homeostasis, organisation, metabolism, development, growth, reproduction, response to stimuli and adaptation.

theological reflections on personhood and ideas about ensoulment specifically in section **1.1.4 Theological accounts of Personhood** below, and indeed I regularly draw on theological ideas within this dissertation. Biological approaches can result in views that accept or accord personhood at conception (although biology can define life at even the cellular level) or even at birth. John Noonan holds that a being is human or worthy of personhood if it was conceived by human parents, because then that being is also biologically human. Noonan states, ‘that, if you are conceived of human parents, you are human.’¹⁰³ Certainly it would be questionable to deny ‘humanhood’ to a being born of human parents, but would the being also have personhood? He holds that unique and complete human genetic code is what serves to make an organism a human. The sort of code required for biological humanness will consist in one which is genetically identical with that of *Homo sapiens*. As we have seen, when debates ensue about the rights of the foetus against the rights of the mother, the actual life of the mother is compared with the potential life of the foetus in order to argue that the claims of either the mother supersedes those of the foetus or vice versa. Noonan makes strong use and reference to the potentiality of the embryo and foetus, given the probability that a foetus will develop into a full-grown human and in that it has the potential to be a member of a society. In Noonan’s support of the right to life of the embryo and foetus he writes ‘it is wrong to kill humans, however poor, weak, defenceless, and lacking in opportunity to develop their potential they may be . . . similarly it is morally wrong to kill embryos.’¹⁰⁴

Eric Olson has famously made a case for animalism: ‘It is a truism that you and I are human beings. It is also a truism that a human being is a kind of animal: roughly a member of the primate species *Homo sapiens*. It would seem to follow that we are animals. Yet that claim is deeply controversial.’¹⁰⁵ Olson and Norman Ford have both argued that the beginning of an individual human biological organism occurs at the moment when implantation of the zygote in the uterus occurs and the ‘primitive streak’ begins to form.¹⁰⁶ Before this stage there is biological life at the cellular level, as described above, but this is not an individual human organism, because before this stage there is still the potential for a split and for one or more separate human organisms to emerge, for example identical twinning. The term for the human embryo at

¹⁰³ John T. Noonan, Jr., ‘An Almost Absolute Value in History,’ in John T. Noonan (ed.), *The Morality of Abortion: Legal and Historical Perspectives*, Cambridge, Harvard University press, 1970, p.118.

¹⁰⁴ John T. Noonan, Jr., ‘Deciding Who Is Human’, *Natural Law Forum*, 13, 1968, p.134.

¹⁰⁵ Eric T. Olson, ‘An Argument for Animalism’, in R. Martin and J. Barresi, (eds.), *Personal Identity*, Oxford, Blackwell, 2003, pp.318-34.

¹⁰⁶ J. T. Eberl, ‘The beginning of personhood: a Thomistic biological analysis’, *Bioethics*, 14, 2, April 2000, pp.134-57.

this stage is the blastocyst, a stage when the human embryo attaches or implants to the wall of the uterus.

Now, certainly there has been a move away from the moment of conception for some wishing to promote a biological account of personhood given that conception is not a ‘moment,’ but rather a process and given the argument for twinning i.e. it can’t be a person because it might be two persons. Although many argue that given the moral dimension of the personhood discussion, if one’s practical intent is to protect the earliest stage of human life, then the possibility of twinning does not lessen, but rather doubles the status and dignity of the zygote. As Denis Sullivan writes: ‘In a similar way, an embryo that splits is fully a person prior to twinning; a *second* person (also possessing the diploid condition) begins at the moment of the split. One of the two resulting embryos (it does not matter which) is ontologically continuous with the original fertilized ovum.’¹⁰⁷ Here I am inclined to agree with Daniel Callahan, that when seeking to define or discover an account of the person, we should consider the entire career of ‘man’ (both man’s highs and lows in terms of their capacities) and he writes that to be human is ‘more than just displaying certain human characteristics at a set point.’¹⁰⁸

Here we get to the crux of the issue, is it clear that one’s biological status necessarily says anything about their moral or ontological status? Noonan’s position also reveals the interchangeable use of the terms ‘person’ and ‘human being.’ Does ‘being human’ mean genetically human, physically resembling a ‘normal adult human being, or something else?’¹⁰⁹ Noonan could be seen to be combining the two distinct categories of the biological and the moral, however, I am not remotely persuaded that the term ‘person’ describes one category whilst the human being is something entirely distinct from this, I do not think either conception can be grasped so neatly, but for different reasons. Noonan’s second strand to his argument refers to the probability of personhood, however there are considerable problems with using the probability of conception as the starting point for personhood as Michael Sandel reflects: ‘If the embryo loss that accompanies natural procreation were the moral equivalent of infant death, then pregnancy would have to be regarded as a public health crisis of epidemic proportions:

¹⁰⁷ Denis M Sullivan, ‘The Conception View of Personhood: A Review’, *Ethics and Medicine*, Vol 19, 1, Spring 2003, p.31.

¹⁰⁸ Daniel Callahan, ‘The Beginning of Human Life’, in Michael F. Goodman (ed.) *What is a Person?*, Clifton: New Jersey, Humana Press, 1988, p.48.

¹⁰⁹ L. W. Sumner, *Abortion and Moral Theory*, Princeton, Princeton University Press, 1981, p.167.

Alleviating natural embryo loss would be a more urgent moral cause than abortion, in vitro fertilization, and stem cell research combined.¹¹⁰

Evnine states, ‘even if we accept as a matter of fact rather than necessity that all persons are human beings, it may appear problematic for this version of ‘realism’ that not all human beings are obviously persons.’¹¹¹ There is not in fact scientific consensus as to when personhood begins and scientists might in fact consider a range of positions as Scott Gilbert explores. He considers the following possible positions: fertilisation (an individual genotype and a cell capable of developing into human or humans); gastrulation (animal-specific movement and no longer an ability to form into twins, etc.); EEG perinatal period (an ability to breath or a form of legal personhood, when the infant becomes a distinct entity from the mother) and gradual humanisation during embryogenesis.¹¹²

The biological approach to personhood leads undoubtedly to anthropomorphic speciesism, which is ethically suspicious; the solely biological approach does involve arbitrarily drawing lines around a certain group and as such may exclude a group that may well in fact deserve consideration. E. J. Lowe criticises the view of a person as a kind of species or animal, he suggests that this approach only allows for human beings as persons and he argues that this is not only ‘morally repugnant and dangerously arrogant, but also symptomatic of a philosophically inadequate imagination.’¹¹³ Equally concerning is the fact that part of what it is to be a human being is in fact something distinct from the biological substance that is their body. The biggest concern with the approach is that it reduces the notion of the human being, and, whilst I agree with MacIntyre that the aversion to our animal status cannot be continually blocked from the philosophical dialogue, the reductionist approach is equally alarming, particularly for feminists who are very alert to the dangers of associating women with their ‘biological destiny.’¹¹⁴ Roger Scruton writes that the scientific truth about *Homo sapiens* is not the whole truth about mankind: ‘We are members of the human species. But we are also persons and, as such, animated through and through by an ideal of what that species might achieve. The concept of the person has no place in biological science, for the term ‘person’ is not a biological category.’¹¹⁵

¹¹⁰ Scott F. Gilbert, ‘When personhood begins in the embryo: avoiding a syllabus of errors’, *Embryo Today*, 84, 2008, pp.164 - 173.

¹¹¹ Simon J. Evnine, *Persons and Other Matters*, Oxford, Oxford University Press, 2010, p.2.

¹¹² Scott F. Gilbert, ‘When personhood begins in the embryo: avoiding a syllabus of errors’, *Embryo Today*, 84, 2008, pp.164 - 173.

¹¹³ E. J. Lowe, ‘Real Selves: Persons and Substantial kinds’, in David Cockburn (ed.), *Human Beings*, Cambridge, Cambridge University Press, 1991, p.106.

¹¹⁴ Alison Adam, ‘Gender/Body/Machine’, in Mike Proudfoot (ed.), *The Philosophy of the Body*, Oxford, Blackwell, 2003, p.42.

¹¹⁵ Roger Scruton, ‘Animal Rights’, in *City Journal*, Summer 2000

Whilst I agree that the usage of person is not a biological category entirely, I do not think we help this dialogue by narrowly defining terms and as such placing them in one category opposed to another. I think that the term 'person' is something distinct from the idea of the human being in the sense that I do not think the two terms are interchangeable and there are beings that could be persons that are not human beings; a human organism is an entirely biological category, but a human being is not. However, I do not think the idea of the human being is an entirely biological category (although human beings are animals of the species *Homo sapiens*) and being human is far more than this and we must embrace a more layered understanding of our nature.

A sole focus on our biological capacities can, as Ronald Dworkin describes, fail to appreciate the many dimensions of human life and 'human investment'.¹¹⁶ I also think E. J. Lowe's point is important and illuminating for moving the debate forward. I am entirely open to non-human beings being considered persons, but only if we clear up what it means to be a human being or a person first; do we mean genetically human or physically resembling a normal adult human? The two terms are not interchangeable, although likely to be related, and as I stated above, we may well wish to uphold the formal and more ethically demanding term 'person,' but only if we give more ethical space to the idea of human being. Personhood perhaps should be defined narrowly and thus restricting its scope to include only those who have an actualized capacity for agency and rationality, but then this approach cannot be done so without a full understanding of the human being as the predominant ethical framework. Daniel Dennett has a similar reflection when he considers the idea of the moral and the metaphysical¹¹⁷ person; he does not use the terminology of the human being but his interconnected two notions of personhood are useful pointers and his conditions for personhood are explored below in the section on psychological accounts. Evnine uses the example of Martians who, whilst not belonging to the species *Homo sapiens*, may well have capacities commensurate, albeit distinct to ours and as such should be considered persons but not human beings. Martians could be included within the personhood category but not within the moral community of human beings, a conception I will forward within this dissertation as they would also be situated within a social and cultural context of their own and a moral community of their own - a moral community of Martians!

http://www.city-journal.org/html/10_3_urbanities-animal.html

¹¹⁶ Ronald Dworkin, *Life's Dominion: An Argument about Abortion and Euthanasia*, London, Harper Collins, 1995, p.84.

¹¹⁷ The moral person is an agent who is accountable, who has both rights and is accountable and the metaphysical is the idea of an intelligent, conscious feeling agent. Daniel Dennett, 'Conditions of Personhood', in Michael F. Goodman (ed.) *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.145-167.

Traditional definitions of biological humanness or personhood act as a pointer to what is a member of the human species, but they fail to define both what a human being is and what a person is. Human beings are more than simply biological entities, although their biological nature is a highly important layer, and it is clear that humans and persons cannot be distinguished solely by virtue of a biological feature, or for that matter a psychological feature as to do so will leave us with an impoverished understanding of human nature. Our biological nature and the biological basis for understanding the human being is essential for knowing *what a human is* but a human's biological capacities are, as Geertz reminds us, transformed through the medium of culture and that biological factors can only prove to be useful if the links between these factors and others, such as his behaviours, are seen as unitary.¹¹⁸ The biological and the cultural are permeating layers when seeking to understand our nature. The widest variety of human characteristics need to given attention and in fact the genetic characteristics of being human are an important part of understanding our nature, but more appropriately our nature as human beings in a moral community, although in terms of the narrower personhood conception this is a more removed, although not a redundant, factor.

1.1.2 Psychological accounts of Personhood

As an alternative to the biological or realist conception of personhood, other philosophers have identified the person with a set of psychological functions and this position is often referred to as a functionalist or qualitative view. Such functions and abilities are usually present in actual, not potential form. The identification of the person is associated with a being having particular abilities or qualities of awareness and, as Wiggins suggests, this view sees the person as a subject of experience or consciousness. Advocates of the psychological criterion for personhood argue that persons are, by definition, psychological beings; this definition reveals that a person is being thought of as necessarily having a psychology and not merely just a human organism. Such advocates follow Locke's famous forensic personhood definition: 'a thinking intelligent being that has reason and reflection and can consider itself as itself, the same thinking thing in different times and places; which it does only by that consciousness which is inseparable from thinking, and, as it seems to me, essential to it...'¹¹⁹

¹¹⁸ Clifford Geertz, 'The Impact of the Concept of Culture on the Concept of Man', in *Bulletin of the Atomic Scientists*, Chicago/IL./USA: The Atomic Scientists of Chicago, vol. 22 no. 4, 1966, pp.2-8.

¹¹⁹ Book II, Chapter 27, 9.

John Locke, *An Essay Concerning Human Understanding*, Oxford, Oxford University Press, 1975, p.335.

In his article 'Abortion and Infanticide' Michael Tooley furthered the idea of self-awareness as the essential function that would accord a being the status of personhood. Tooley argued that there was not a person present, 'unless there was a concept of a self, as a continuing subject of experiences and other mental states, and (it) believes that it is itself a continuing entity.'¹²⁰ What we can see from Tooley's essay is how the interest in capacities and the right to life idea forcefully entered the abortion dialogue. For Tooley, only beings that can have desires and interests can have rights and a right to life. Foetuses and newborn infants may well be potential persons and have the potential to have such rights, but his overall position is that they do not have a right to life as they lack *essential* self-consciousness. In the same year that Tooley's infamous paper appeared on the scene, Joseph Fletcher, also outlined twenty criteria for human personhood or what he referred to as 'humanhood.' His list of criteria also included self-awareness as well as the ability to comprehend a sense of time and also the ability to relate to others.

Some definitions of personhood consider sentience as a key function or ability and Peter Singer and L. W. Sumner's views are a good example of this kind of position. On this view, a 'person' equals a sentient being or this function offers a central part of the description of the person. According to Sumner, it is sentience that grants an organism the right to be acknowledged as a person. Sumner states that a 'being is sentient when it has the capacity to experience pleasure and pain and thus the capacity for enjoyment and suffering.'¹²¹ Singer argues 'the minimal characteristic which is needed to give the embryo a claim to consideration is sentience, or the capacity to feel pleasure or pain. Until the embryo reaches that point, there is nothing we can do which causes harm to it.'¹²² This stems from the utilitarian focus on sentience and a reduction in suffering. In attempting to provide the greatest happiness for the greatest number, we must take into account the happiness and suffering that would be accrued by all sentient beings. Singer however, is proposing a utilitarian system with the 'best interests' of the individual concerned at the heart of the ethical system. He replaces 'pleasure' in the traditional calculus with 'best interests.' For Singer, personhood and a right to life is bound up with a being's ability to and capacity to hold preferences and/or have interests. Unlike Bentham and Mill's utilitarianism, Singer is more individualistic and he focussed far more on rationality, although he views rationality as an evolved characteristic and not something associated only with humans.

¹²⁰ Michael Tooley, 'Abortion and Infanticide', *Philosophy and Public Affairs*, 2, Fall 1972, pp.37-65.

¹²¹ L. W. Sumner, *Abortion and Moral Theory*, Princeton, Princeton University Press, 1981, p.167.

¹²² Peter Singer and Helga Kuhse (eds), 'What's Wrong with the Sanctity of Life Doctrine?', in *Should the Baby Live: The Problem of Handicapped Infants*, Oxford, Oxford University Press, 1985, pp.118-139.

Therefore, he uses the term ‘person’ in the sense of a ‘rational and self conscious being.’¹²³ Singer suggests that a newborn’s legal right to life could begin a week or month after birth, and he and Helga Kushe write, ‘we must recall however, that when we kill a newborn infant there is no person whose life has begun. When I think of myself as the person I am now, I realise that I did not come into existence until sometime after my birth.’¹²⁴ Singer’s functionalist view of personhood is in flux therefore, in that human beings can move towards full personhood and also gradually lose their personhood as their abilities and faculties decrease.¹²⁵

Tooley and Singer’s accounts of personhood are somewhat controversial when it comes to human beings at the boundaries of ‘life’, but they do allow for the possibility of animals being accorded personhood or membership within a moral community. Daniel Dennett makes a case for personhood, however, his position would exclude animals and also young children. Dennett’s position is part of what is referred to as the nominalist approach, where necessary and sufficient conditions are provided for personhood and aims to provide a more complete catalogue and analysis of criteria. Dennett includes six criteria including communication and narrative. Something is considered a person if it is rational; it is the subject of psychological, mental or intentional states; it is treated in a certain and personal way by others; it reciprocates this attitude; it is capable of verbal communication; it is conscious in some way (self conscious).¹²⁶ Dennett’s inclusion of verbal communication is certainly something very unique to his work¹²⁷ and it is what I have referred to as an ethically demanding approach in that in that many human beings cannot actualise (currently) this capacity due to their infantile stage or through loss. However we recall his interconnected and yet distinct notions of persons, the moral and the metaphysical person, and verbal communication would surely fall into the narrower metaphysical *idea* of personhood rather than something that would render a particular human a non-person or not a moral being or agent.¹²⁸ Again, this is perhaps an important distinction and echoes my desire for a broader set of vocabulary when exploring our nature. The metaphysical idea of personhood is

¹²³ Peter Singer, *Practical Ethics*, Cambridge, Cambridge University Press, 1993, p.122.

¹²⁴ *ibid* p.123.

¹²⁵ Peter Singer’s mother had Alzheimer’s and in an interview with Ronal Bailey published in 2000, he explained how he and his sister have joint responsibility for decisions relating to her care. He went on to suggest that if he had sole responsibility for her care she might not continue to live. In the same interview he discussed the decision that some parents might make in order to euthanize an infant whose life is so damaged and lacking that it may not be worth living.

¹²⁶ Daniel Dennett, ‘Conditions of Personhood’, in Michael F. Goodman (ed.) *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.145-167.

¹²⁷ Although verbal communication is essential to Aristotle’s position in *Politics*; for Aristotle it is where society and man as a ‘political-social animal’ lie.

¹²⁸ Daniel Dennett, ‘Conditions of Personhood’, in Michael F. Goodman (ed.) *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.145-167.

an important one in that it grasps the desire for capacity advancement and what Scruton describes ‘as an animation through and through about what we might become’ and it is part of the ethically demanding and top-down approach I have outlined. And yet are we ever a completed member of the species? Surely we ‘err,’ and lack rationality and a range of capacities, and often we are entirely dependent, far from autonomous, for large stages of our human lives and we can face great loss in terms of our abilities as Cora Diamond discusses.¹²⁹ Therefore I recommend this approach cannot maintain a stronghold position within practical ethics at the detriment of an ethically given and bottom-up approach to ethical dilemmas. There are ‘metaphysical’ capacities espoused within the idea of the person which, whilst they are of moral relevance, are not found in all human beings such as the mentally disabled or young children. Diamond upholds the importance of the term human being for ethics and asks us to understand that notion not in a biological or psychological sense, but imaginatively.¹³⁰

The nominalist position espoused by Dennett is undoubtedly criteria driven and I would suggest that there are serious ethical concerns stemming from this approach; as Wiggins and others have suggested, what tends to happen is that the list of necessary or sufficient conditions are hard to draw up and so philosophers have either tended to ‘come down hard’ on certain select conditions (which would mean that many human beings, such as the very young or impaired, are not in fact persons despite the fact that many would have intuitively argued they are), or they instead have to reference regularly human beings ‘as we know them’ to determine the class person.¹³¹

Tooley and Singer’s philosophical positions have faced considerable criticisms for a variety of reasons. Firstly, despite Tooley’s belief that such criteria are ‘properties of a purely descriptive sort’, how in fact are we to measure such psychological capacities? Do we in fact have adequate means of testing self consciousness? Not having a serious right to life due to a lack of self awareness would in fact impact upon a range of humans from young infants to a person under anaesthetics. Singer’s philosophy has been challenged by Scruton who has said it derives from ‘radical moral conclusions from a vacuous utilitarianism that counts the pain and pleasure of all

¹²⁹ Cora Diamond, ‘The Important of Being Human’, in David Cockburn (ed.) *Human Beings*, Cambridge, Cambridge University Press, 1992, pp.35-85.

¹³⁰ *ibid.*

¹³¹ J. P. Lizza, ‘Persons: Natural, Functional, or Ethical Kind?’, *American Journal of Economics and Sociology*, 66, 2007, pp. 195–216.

living things as equally significant and that ignores just about everything that has been said in our philosophical tradition about the real distinction between humans and animals.’¹³²

For Singer, Tooley and Dennett a human person is defined by a list of functional traits which seem to exclude a newborn baby by definition. Tooley, Singer, and others would even use this as a justification for infanticide. Joel Feinberg argues that infanticide is wrong and that Singer and Tooley’s focus on a serious right to life completely misses the point; infanticide is wrong because of our social nature and that society’s protection of infants in fact has a social utility. R. N. Wennberg also finds their position on abortion and infanticide objectionable, and argues that there is a difference between those beings with a *potential* capacity for rationality and those with a *developed* capacity.¹³³ Francis Beckwith would respond to the capacity driven functionalist account and argue that human beings have certain inherent capacities, which may currently not be fully realized: ‘It does not make sense to say that a person comes into existence when human function arises, but it does make sense to say that a fully human person is an entity who has the natural inherent capacity to give rise to human functions.’¹³⁴ I think that the power of the gradualist position is undeniable, just as conception is a process not a moment, likewise it is strange to suggest a set of faculties that equate with personhood suddenly occurring. Again we are reminded of Callahan’s point relating to seeing ‘man’ in the context of his whole life or ‘career’ and appreciating that we are all vulnerable and imperfect. Brian Christian’s popular book *The Most Human Human* shows Christian appears more ‘human’ when competing against the ‘most human computers’, when he reveals himself to be the most ‘difficult and imperfect competitor’ and when his answers reveal more ambiguity, richness of context and an excess of context.¹³⁵

The psychological and qualitative accounts of personhood throw up certain problems in that it often conflicts quite strongly with what the layperson and the philosopher have said and understood about humanity and it can often exclude a large number of beings from its scope. In addition to these concerns, there is still the problem that the moral and social dimension of being a person is sorely neglected.¹³⁶ Christine Korsgaard in particular took up this strand of criticism

¹³² Roger Scruton, ‘Animal Rights’ in *City Journal*, Summer 2000
http://www.city-journal.org/html/10_3_urbanities-animal.html

¹³³ R. N. Wennberg, *Life in the Balance*, Grand Rapids: William B. Eerdmans Publishing Company, 1985.

¹³⁴ Francis Beckwith, ‘Arguments from Decisive Moments and Gradualism’, in Francis Beckwith, *Politically Correct Death: Answering the Arguments for Abortion Rights*, Grand Rapids: Baker House Publishing, 1993.

¹³⁵ Brian Christian, *The Most Human Human*, London, Penguin Books, 2011.

¹³⁶ Christine Korsgaard, ‘Personal Identity and the Unity of Agency’, *Philosophical and Public Affairs*, 18, 2, 1989, pp.102-132.

in response to Derek Parfit's positions on personal identity relating to psychological continuity. She has objected to the thought experiments employed by Parfit and other writers within the field of personal identity. The use of thought experiments and conceptual puzzles within ethics and the personhood literature has resulted in much discussion. Whilst some would find philosophy unrecognisable¹³⁷ without the use of thought experiments, I would wish to flag up some concerns I have with their usage, particularly within this area of ethical debate. Part of the problem with the use of thought experiments is that I do not think that they always tell us anything new, but rather can reinforce already held beliefs. In which case, does this approach not mean that the thought experiment device can sometimes fail to reveal truths about the world, but rather only reveal the emotions and already held beliefs of the enquirer? In terms of the conception of person this can only continue to abstract the idea of the person from the cultural settings in which we in fact operate. However, I would not wish to rule out all thought experiments given that so many offer highly unique ways of looking at a situation, and this is something this dissertation would strongly endorse. It is important to recognise the plurality of forms of engagement with the issues in this context, a plurality that can be enhanced by certain types of thought experiments. I do, however, also believe that certain thought experiments have been most unhelpful within philosophical ethics, most particularly when a contextual setting is lost. One of the most famous thought experiments within abortion writing is Judith Jarvis Thomson's ailing violinist, and this analogy seems to devalue the role of relationships within the abortion dialogue and it also fails to appreciate the complexities of the abortion situation. Both Tooley and Thomson are guilty of not making enough of the uniqueness of each abortion case and its particular contextual settings and in the way that writers such as Noonan focus solely on the status of the foetus, Tooley and Thomson could be seen as overly focussing on the status of the female.

As I will argue later in **Chapter Three, Care Ethics, Phenomenology and Abortion** I think that thought experiments must not become tools to reinforce certain moral reasoning skills (at the expense of others) that are deemed superior by some authors. The thought experiment can help someone see the world differently, but authors need to be alert to the dangers of dislocating the enquiry from the very facts to which I believe we should be giving our full attention. I will explore further and summarise the major pitfalls relating to the personhood rhetoric below in section **1.2 Problems with Personhood: Hermeneutics, Language and Practicalities** and

¹³⁷ Mason C. Myers, 'Thought Experiments and Secret Stores of Information', *International Philosophical Quarterly*, 8, 1986, pp.180–192.

the use of thought experiments and the reliance on intuitions and analogies are my main sources of concern.

1.1.3 Substantive accounts of Personhood

Lynne Rudder Baker navigated the concerns relating to the psychological accounts and functionalist position by arguing that the person is neither equivalent to the human organism and not just simply a functional specification of a human organism, but rather as a relation between a substance and a quality.¹³⁸ In her paper ‘When does a Person Begin?’, she argues that rooting an understanding in the natural world is an important first step. She writes: ‘I believe that we are fundamentally persons who are constituted by human organisms. Since constitution is not identity, human persons may come into existence at a different time from the organisms that constitute them.’¹³⁹ She makes the distinction between our biology and our ontology and also seeks to remove the personhood debate from the issues of terminology. Something Sisella Bok also flagged up when she wrote: ‘a number of concepts are at times used as if interchangeable. ‘Humanity,’ ‘human life,’ ‘life’ are such concepts as are ‘man,’ ‘person,’ or ‘human individual’ or ‘human person.’”¹⁴⁰ Rudder Baker stresses that she would prefer to use the term ‘human being’ when referring to the human person, but steers away from this in order to avoid ambiguity.

The substantive view argues that persons are constituted by human beings and subjectivity is essential to persons and relational factors play a key role in their constitution. Because of their essential psychological, moral and cultural nature, persons are not reducible to their biological status, although very much informed by it. This approach immediately makes relevant not just our biological status as a human being and facts about the body, reproduction and pregnancy, but a whole range of factors relating to our feelings and emotions, social context, parenting and also gender and cultural constructions relating to these ideas.¹⁴¹

The constitutional view of human persons holds that human persons are constituted by bodies (i.e., organisms) without being identical to the constituting organisms. Rudder Baker fully embraces our biological nature but does not think our animal nature ‘exhausts our nature all

¹³⁸ Garry, Wedeking, ‘Review of Persons and Bodies by Lynne Rudder Baker.’ *Canadian Journal of Philosophy*, 2002, Vol. 32, No. 2: 267-290.
<http://www.jstor.org/discover/10.2307/40232150?uid=3738032&uid=2129&uid=2&uid=70&uid=4&sid=21103490938331>

¹³⁹ <http://people.umass.edu/lrb/files/bak05wheaP.pdf>

¹⁴⁰ Sisella Bok, ‘Who shall count as a Human Being?’, in Michael F. Goodman (ed.) *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.213-228.

¹⁴¹ Rosalind Hursthouse, ‘Virtue Theory and Abortion’, in Hugh LaFollette (ed.) *Ethics in Practice*, Oxford, Oxford University Press, 2003, pp.94-102.

things considered.’ Rudder Baker wrote in her paper ‘Persons and Bodies’ that a human person comes into existence when a human organism develops a robust first-person perspective or the structural capacity for one, she has spoken of and defined this rudimentary first person perspective elsewhere: *Rudimentary FPP*. A being has a rudimentary first-person perspective, if and only if (i) it is conscious, a sentient being; (ii) it has a capacity to imitate; and (iii) its behaviour is explainable only by attribution of beliefs, desires, and intentions.¹⁴²

The onset of a first-person perspective marks the entry of a new entity in the world. The view has important implications when thinking about beginning of life ethics and abortion in particular. The consequence is that a foetus is not a person. ‘Just as a hunk of marble is in an ontologically distinct category from a statue, so is a foetus in an ontologically distinct category from a person. Thus, the constitution view gives one an *ontological* reason to deny that the foetus is a person. Anyone who takes it to be morally abhorrent to force a rape victim to bear the rapist’s child has in addition a good *moral* reason to deny that the foetus is a person. Anyone who believes that there is even a possibility of morally relevant differences among pregnancies should welcome the thesis that follows from the constitution view: A foetus is not a person.’¹⁴³

So, for Rudder Baker a human foetus is an organism that does not constitute a person. By taking the personhood argument off the agenda, she then leaves spaces for a consideration relating to the woman’s circumstances and context. In terms of my concerns regarding the focus on the relational and subjective nature of our identity and the abortion debate, Rudder Baker’s position can certainly respond in that for her subjectivity is essential to personhood. She argues that persons cannot exist independently of their having, and being related, to other beings with propositional attitudes.

1.1.4 Theological accounts of Personhood

The personhood dialogue played a key role in many central theological accounts including Boethius’ writings seeking to extrapolate the meaning of persons within a Trinitarian framework. Boethius’ definition of personhood, ‘the individual substance of a rational nature,’ was an effort to explain the idea of the theological ‘person’ to a more general audience. In many ways this definition dislocated personhood from essential theological and Trinitarian ideas and instead

¹⁴² Lynne Rudder Baker, ‘The Ontological Status of the Persons,’ *Philosophy and Phenomenological Research*, 65, 2, 2002, pp.370-388.

¹⁴³ <http://people.umass.edu/lrb/files/bak05wheaP.pdf>

personhood became equated with the possession of a particular quality or set of qualities. As we have seen this approach and his identification of personhood with rational capacities has been enormously influential.

The theistic worldview certainly offers a startling contrast to certain biological arguments or those that endorse naturalism or a type of reductionism. A theological worldview starts with a view of human beings that are made in God's own image, and it is humans that are the pinnacle of this creative process and this view gives humans (as opposed to animals) inherent dignity. A theological view of personhood could take a varying set of approaches focussing on the idea of ensoulment, sanctity of life or a distinctly theological reflection of personhood. Ensoulment considers our spiritual dimension but it has also often been linked to the conception stage. Aquinas writes: 'And after the sensitive soul, by the power of the active principle of the semen, has been produced in one of the principal parts of the thing generated, the sensitive soul of the offspring begins to work towards the perfection of its own body, by nourishment and growth. The active power which was in the semen ceases to exist when the semen is dissolved and its spirit vanishes.'¹⁴⁴ Aquinas held that the human soul is created directly by God and that the soul is created and infused into the body only when the human parents have, by their generative act, produced a material substance that is disposed to receive and to be informed by a human soul.¹⁴⁵

The debate was extended further by the Roman Catholic Church, which has taught since the sixteenth century that the soul enters the body at the point of conception and they refer to various scriptural quotations to support this claim. For example, in Jeremiah it is written that 'Before I formed you in the womb, I knew you. God tells the prophet that his prophetic purpose has been decided before he was conceived'¹⁴⁶ and in Psalm 139 'For thou didst form my inward parts, thou didst knit me together in my Mother's womb.'¹⁴⁷ Such references are seen to support the idea that a 'child' is valued by God from conception. Popes have added pronouncements to the body of scriptural and Church support for the life and personhood from conception argument: 'Endowed with a spiritual and immortal soul, the human person is the only creature on earth that God has willed for its own sake. From his conception he is destined for eternal

¹⁴⁴ Thomas Aquinas, *Summa Theologiae*, Notre Dame, Christian Classics Press, 1981, 1a, q.118, a.1, ad 4.

¹⁴⁵ John Haldane and Patrick Lee, 'Aquinas on Human Ensoulment, Abortion and the Value of Life', *Philosophy*, 78, 2003, pp.255-278.

¹⁴⁶ Jeremiah 1:5

¹⁴⁷ Psalm 139: 13,15

beatitude.¹⁴⁸ Though scriptural references undoubtedly affirm the value of persons before birth, nowhere does Scripture explicitly declare that personhood begins at conception. Attempts to make it do so commit the error of interpreting biblical data from a modern scientific framework. The ensoulment position has a long history, but the issue of how we are to test for a soul is certainly a major area of difficulty – how do we differentiate between beings that do or do not have souls? David Hume, after analyzing the mind through introspection came to the conclusion that no particular soul entity exists and that the mind is merely the sum total of its states.

Now, whilst there are clearly many difficulties with the ensoulment account for personhood, given the absence of empirical evidence, that is not to rule out other theological visions of the person. Theological writings in recent years have, like certain writers who propose an ethic of care, criticised the emphasis on persons as individual and rational beings and the focus on the mind and the spirit opposed to the neglected body or the fleshy. There is a long history of mind/body or spirit/body dualist thinking which has been used to subjugate those regarded as more fleshy and less rational beings in society, for example, women and people with disabilities. Theologians Lisa Sowle Cahill, Hans Reinders and John Naudé take up these critiques arguing that a proper appreciation of human life as embodied is vital for Christian Ethics, particularly sexual and medical ethics. The dangers of naturalising the body, especially the female body or disabled body, is due to the slippery slope to essentialism and the fact that the essential or natural categories associated with the female or disabled have tended to exclude and marginalise them.

Alistair McFadyen in his book *The Call to Personhood: A Christian Theory of the Individual in Social Relationships*¹⁴⁹ explores the question of what it means to be a person. He argues that the personhood debate needs to take a more practical and community focussed approach. He seeks to explore what it means to live as a human person in community with others. Human identity is most effectively understood in community terms and his account of personhood is rooted in compassion and care, and an awareness that we are all connected and relational beings. In a similar vein to this dissertation he believes that personhood conceptions emerge from our understanding of communities, in particular a Christian community. The theologian Ian McFarland roots the question ‘who is a person?’ within a biblical setting and in particular within the New Testament story of The Good Samaritan. McFarland argues that theologically the question ‘who is a person’ is like the question ‘who is my neighbour’ asked by the lawyer to Jesus. Rather, the ‘more important ethical question is how I, as one who is treated as a person by

¹⁴⁸ Catechism 3:1:1:1

¹⁴⁹ Alistair McFadyen, *The Call to Personhood: A Christian Theory of the Individual in Social Relationships*, Cambridge, Cambridge University Press, 1990.

Jesus Christ, relate to others in their particularity as the person I have been called to be.¹⁵⁰ The most important Christian ethicist to consider is perhaps Robin Gill's work which combines sociology, moral philosophy and theology in order to develop the MacIntyre *After Virtue* debate. I will return to his reflections in **Chapter Two: The Moral Community of Human Beings** as Gill explores the 'essential' theme of moral communities and how communities and postmodern societies can nurture and promote care even in our fragmented settings. Gill's understanding of moral agency is similar to the view espoused in this dissertation and he writes that 'moral communities are an essential ingredient in understanding moral agents.'¹⁵¹ His vision of a moral community is theocentric and rooted in a belief that there is a God who cares and wants us to care. For Christian ethicists such as Gill and Michael Ramsay, we come to know this truth through worship and worship makes demands upon humans. Humans are spiritual beings and relational beings, they are beings of activity and they are, as McFarland says, called to love, to serve and care.¹⁵²

Trying to grasp and define a theological account is somewhat complex in that such an approach could take many forms as we have seen. Here too we see the complexities relating to terminology, with Wennberg defining one part of personhood in a very narrow sense (but including a spiritual capacity to his list of abilities), but stressing that there are degrees of personhood with both stages of development reveal a right to life.¹⁵³ Where I have been most influenced and impressed by theological contributions, is within the field of relational spirituality, which defines itself in opposition to vertical spirituality and a human understanding that focuses on the individual in abstraction from the relational basis of human life. John Heron is a leading writer in this area of theology and he writes that 'persons are transformed through their relations with others.' The merit of this approach is that it allows for personhood or our human development to be just that, a development and a process. The labelling of personhood at a particular stage is not something that works because the person is a transformative being by its nature and, as Noddings has also said, albeit with no mention of the spiritual nature of the self, one cannot develop on their own but only through mutual co-inquiry.¹⁵⁴ Heron proposes a

¹⁵⁰ Ian McFarland, 'Who is my neighbour? The Good Samaritan as a Source for Theological Anthropology', *Modern Theology*, 17, 1, January 2001, pp57-66.

¹⁵¹ Robin Gill, *Moral Communities*, Exeter, University of Exeter Press, 1992, p.55.

¹⁵² *ibid* p.23.

¹⁵³ R. N. Wennberg, *Life in the Balance*, Grand Rapids, William B. Eerdmans Publishing Company, 1985.

¹⁵⁴ J Heron, 'A Self-generating Practitioner Community', in R. House and N. Totton (eds.), *Implausible Professions: Arguments for Pluralism and Autonomy in Psychotherapy and Counselling*, Ross-on-Wye: PCCS Books, 1997.

model to the self that hinges around eight characteristics including some of the central elements outlined here: a relational spirituality that embraces a developmental nature to the self through relationships; a psychosomatic and an embodied nature; an approach that is epistemologically holistic, embracing many ways of knowing but knowing through co-inquiry and empathy and it is ontologically holistic, 'open to the manifest as nature, culture and the subtle, and to spirit as immanent life, the situational present, and transcendent mind.'¹⁵⁵

Heron acknowledges the informative work and writings of Maurice Merleau-Ponty and his belief that people are both their bodies and subjects of thought, but this is far from a traditional mind-body dualism. In Merleau-Ponty's *The Phenomenology of Perception*, he developed his argument that humans are 'situated' within their environments. His overall contention was that science and too much abstraction had resulted in a philosophical tendency to reduce every phenomena, every object, every person to nothing more than collected data. He would suggest that we are only able to know ourselves based upon the input of others, all our actions, thoughts, and statements define us and have historical consequences.¹⁵⁶

Mike Proudfoot's important philosophical edition *The Philosophy of the Body* explores how in philosophy the body has been neglected in favour of the mind and he stresses how human embodiedness needs to be more firmly and centrally placed within any discussion relating to the self. Merleau-Ponty was very much a pioneer in this regard and I return to his work and feminist sociology and embodiment and the sociality of women in sociological discourse in later chapters of this dissertation, most notably when considering the writings of phenomenologists in Chapter Three and sociologists such as Judith Butler in Chapter Four.

1.1.5 Existentialist accounts of Personhood

Many different philosophers have espoused existentialist accounts of personhood, or rather the human condition, with Merleau-Ponty very much part of this post-war cultural movement. Existentialists vary enormously on which part of existentialist thinking they emphasise but common agreement rests on the uniqueness of the individual and their situation in life. There are some clear parallels with the existentialist position and the argument forwarded within this

¹⁵⁵ J Heron, 'Spiritual inquiry: a handbook of radical practice', www.human-inquiry.com/thoughts.htm.

¹⁵⁶ Eric Matthews, *Merleau-Ponty: A Guide for the Perplexed*, London, Continuum, 2006.

dissertation, and I would certainly reject positions that seek to grasp or establish generalities about the self or those that build around an objective human ‘essence.’

Sartre says ‘man makes himself’¹⁵⁷; once we realize that we ‘exist’ we can then define who we are. Personhood emerges, therefore, at the point of self realisation and self awareness – it is the human body that becomes the locus for personhood and subjectivity through this self awareness. Sartre uses the term human being in that this is a reminder of our humanity and the fact that we cannot transcend our humanity. For the existentialist, the concept of the person is understood as a being in a situation. The person is a part of the world, conscious of that world and experiences it from a particular and unique point of view. Existentialism and phenomenology lend themselves to one another quite intricately, but for the purposes of this piece I am more interested in a phenomenological approach due to the way that relationships and their role for the abortion debate can be recast and understood.

Phenomenology urges that the world of immediate or concrete ‘lived experience’ takes precedence over the objectified and abstract world. The movement gives a central importance to bodily experience in our exploration and understanding of our self as selves in the world. Phenomenologist Merleau-Ponty characterises one’s own body as a sensible sentient¹⁵⁸ being. He writes that our body is ‘a being of two leaves, from one side a thing among other things, and otherwise what sees and touches them.’¹⁵⁹

Having reviewed certain personhood theories we can see that far too many authors have focussed on one aspect of our nature at the expense of others. Yet so many cases challenge their conceptions of the person, not just the human embryo and the brain dead body, but a range of human beings lacking certain capacities either indefinitely or in the short term as they develop. We cannot expect to have a purely metaphysical and single-focussed nature¹⁶⁰ of personhood, or rather if we maintain this approach we need to be clear that this approach refers to persons only and that the term ‘person’ is a very narrow and metaphysical idea that grasps our desire for what we as beings may become, as Scruton describes.

¹⁵⁷ Jean-Paul Sartre, *Existentialism and Humanism*, York, Meuthen, 1996, p.31.

¹⁵⁸ Maurice Merleau-Ponty, *The Visible and the Invisible*, Evanston, Northeastern University Press, 1986, p.137.

¹⁵⁹ *ibid.*

¹⁶⁰ J P Lizza, ‘Persons: Natural, Function or Ethical Kind?’, *American Journal of Economics and Sociology*, 66, 2007, pp.195-216.

Instead, the term human being needs a central place within ethical dialogue and not in order to reduce the discussion to biological capacities – far from it. The idea of a human being in moral community does have a biological dimension, as I will go on to explore, but, more importantly, the human being is a socialised and cultural being. As Pirmin Stekeler-Weithofer argues that to understand our nature, it is essential that we take part in a system of social practices but that this membership takes a very broad nature.¹⁶¹ Susan Sherwin has also been clear in her writings that a person is a social creature and that the person is a being of engagement.¹⁶² The idea of man as situated in a moral community is not a new one. Aristotle writes that man is a Κοινωνικό ζῷο,¹⁶³ which has been translated as ‘political animal’ although it could be argued that this wrongly imports the rather narrow and modern notion of politics into the phrase. Some writers have instead argued that it should be translated as a ‘social’ or ‘community dwelling’ animal; polis can simply be applied to ‘organised community of human beings,’ not just the classical Greek polis.

The notion of the socialised human being, a being in relationship with other beings, in a ‘concrete’ moral community needs to be taken into account if we are to grasp our nature. Philosophy is ultimately philosophical anthropology and anthropological observations will help us more effectively flesh out conceptions of the self and moral communities. As Simone Weil so beautifully writes, human beings are beings of activity and relationships and beings in the world.¹⁶⁴ Likewise, Gordon Allport reminds us that our nature is a dynamic organisation within the individual¹⁶⁵ and so to reduce it seems fundamentally flawed, and as such we must seek to understand the person and our nature as a human being in the broadest and fullest sense. Rather than single-focussed or competing claims, we should instead consider a more fluid definition and one that allows for a healthy tension and one that reveals our complex and layered nature.

1.2 Problems with Personhood: Hermeneutics, Language and Practicalities

Having reviewed certain personhood accounts, it has become clear that these definitions and accounts are far from lofty speculative positions, but rather arguments that have real and immediate practical significance. The question of personhood and what it is to be a person, and

¹⁶¹ Pirmin Stekeler-Weithofer, ‘Persons and Practices’, *Journal of Consciousness Studies*, Volume 14, No.5-6, May-June 2007.

¹⁶² Susan Sherwin, *No Longer Patient*, Philadelphia, Temple University Press, 1992.

¹⁶³ 1253a 1-5.
Aristotle, *Politics*, Oxford, Oxford University Press, 2009.

¹⁶⁴ Simone Weil, *Waiting for God*, Glasgow, Collins, 1959, pp.35-6.

¹⁶⁵ S Cloninger, *Theories of Personality: Understanding Persons*, (4th ed.), New York, Prentice Hall, 2004.

what is necessary for something to count as a person is also unveiling what it is to be a non-person; it is a process of ascertaining what certain beings, 'persons', have that others do not. It has been suggested that we have obligations to persons that we do not have to other beings and there are things we do to non-persons which we ought never do to persons. The significance of these questions for abortion debates is glaring: if foetuses are persons, abortion is then seriously called into question. Any definition of the beginning of personhood is caught in a hermeneutic circle; we define personhood and its starting point, because we want to act in a certain way and thus we act according to how we have defined it. As Ruth Macklin referred 'the antecedent values writers embrace determine the definition or criteria they arrive at by way of conclusion.'¹⁶⁶

When considering biological accounts of personhood in the previous section, we were confronted with some of the difficulties of trying to grasp the 'moment' when biological personhood occurs and we considered some particular positions such as neurological functioning, quickening or implantation, to name a few areas of discussion, as the starting point for ascribing personhood. By ascribing personhood at such a particular stage we are saying that we are free to use the embryo prior to this stage - each definition has a clear practical intent. Once we ascribe personhood to a being, via a particular stage, we ultimately protect it by virtue of the moral community we therefore construct. A writer can give either maximal or minimal protection. I would recommend that this approach is abandoned by those writing within the abortion ethics; it is an approach that either reduces the discussion to the purely scientific or just as unsatisfactory is the argument that is non or rather pre-scientific in tone. Whilst I would wish to endorse the status of the lived experience, and I recommend this is best done alongside the social sciences.

I have tried to show that we are exacerbating the problem of personhood by distinguishing categories of person opposed to human being; this results in the marking and labelling of special characteristics for inclusion in the category 'person' which are not universally applicable to the category of human being. On such an account only human beings, who meet the criteria of personhood, are members of the moral community, that is, those to whom we owe obligations and for whom we recognise the rights traditionally attached to persons. Rather than continue with this line of approach, we must abandon the metaphysical term 'person' in the context of abortion debates and instead unveil human nature by virtue of context – a moral community of human beings is an actual and concrete moral community of beings that we can consider.

¹⁶⁶ Ruth Macklin, 'Personhood in Bioethics Literature', *Milbank Memorial Fund Quarterly, Health and Society*, 6, (1), 1983. pp.35-57.

Callahan is right to stress that any approach that asks us to pick out a particular feature of 'humanhood' or personhood is flawed, and instead we should consider and embrace the relevance of the biological, psychological and cultural interrelationship ever present and evolving in every human being; in short, he asks us to take a holistic approach to any analysis of what makes us human.¹⁶⁷ Sisella Bok says that fundamentally the question of who shall 'count' as a person is a 'treacherous question' ethically¹⁶⁸ as it is about seeking to include certain beings and exclude others.

1.3 Moving on from personhood: Persons and Human Beings

Bok sees the debate as mired in intractable disputes and the interchangeable usage of the terms person and human beings. Ironically these disputes rarely attend to the facts of our human lives but rather operate around the language employed. The language of the personhood debate has been created in part by the contestable and inherently vague nature of the concept of the person. The term person carries affective potency and its incredible emotional power is understandable given its protective power and practical significance. If we continue to conduct the debate in terms of contested concept of the person then we will fail to see the full range of ethical issues surrounding the abortion dialogue and the more implicit ways we exclude and fail to attend to many members of existing moral communities.

'Not all persons are human and not all humans are person.'¹⁶⁹ Tristram Englehardt reminds us of this point and a key area of controversy concerns the scope of the concept of persons as we have seen. It is unsurprising that there is much overlap between the two terms as the concept of the person has been developed in the context of human cultures and human practices. Thus the concepts have been developed in a way that makes it 'fit' humans although often they are about the most exceptional characteristics associated with human development. As John Harris observes, person is often used for shorthand for all the reasons we have for thinking that particular individuals, usually humans, are morally important. Human beings are often our least controversial example of a person and so become 'model' persons and yet the literature review above revealed how in fact many of the positions were highly exclusive and demanding in terms

¹⁶⁷ Daniel Callahan, 'The "Beginning" of Human Life', in Michael F. Goodman (ed.), *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.29-55.

¹⁶⁸ Sisella Bok, 'Who shall count as a Human Being?' in Michael F. Goodman (ed.) *What is a Person?*, Clifton, New Jersey, Humana Press, 1988, pp.213-228.

¹⁶⁹ Tristram Englehardt, *The Foundations of Bioethics*, Oxford, Oxford University Press, 1986, p.107.

of human abilities. As stated above, MacIntyre finds the history and evolution of the term ‘person’ quite remarkable and likewise Oksenberg Rorty reflects on how it is a concept that cannot stand still.¹⁷⁰ She writes that our vocabulary for describing ourselves is a very rich one and yet controversies have arisen due to certain concepts having undergone radical historical changes. She explores how our idea of persons derives from two main sources: the theatre and the mask and actor ‘wears’, his *per sonae*, and secondly it has its origin in law and we are reminded of Locke’s famous forensic definition. She says that a person comes to stand above and behind his choices; the idea of the person is the ‘idea of a unified centre of choice and action, the unit of legal and theological responsibility.’¹⁷¹ She reflects on how if judgement and accountability summarises a life, as it does so in a Christian or legal/forensic context, then personhood as a unified individual, on this understanding, is an accurate understanding of that life. The concept of the person therefore should be used ‘just where it belongs,’¹⁷² in locating the unity of choice and for considering the development of certain capacities and traits. It is about the thinking about the sort of traits and capacities we ought to have and develop, and their benefits for a group of beings, it is therefore very much a top down approach and ethically demanding concept. Personhood thus takes on this metaphysical idea of advancement and excellence to which Dennett and Scruton refer. However, on this model, which is not an unimportant model of inquiry to be abandoned entirely, we see that agency moves above and away from the very factors demanding our fullest attention – the complexities of our social settings, relationships and our lives in the broadest of senses.

We cannot promote a conception of the self that abstracts beings from their context – a context which creates the moral settings for within which they will operate. The use of the term ‘person’ is to stress the individual and accountable being and it is a conception that has evolved due to a desire to develop capacities. Thus the conceptions of personhood elevate the person from the very factors that really count. We must not look to see what type of being should be accorded membership within a moral community and what a person could be, but rather we must look at varying moral communities and see that human beings are in a moral community and that this is the moral context that should inform the debate moving forward. The human being existing in a moral community and thereby situated in a complex web of relationships will provide the most

¹⁷⁰ Amélie Oksenberg Rorty (ed.), *The Identities of Persons*, London, University of California Press, 1976, p.301.

¹⁷¹ *ibid.* p.309.

¹⁷² *ibid.*

fruitful framework when responding to ethical issues such as those generated by the abortion dialogue.

Chapter Two: The Moral Community of Human Beings

2.1 Defining 'The Moral Community'

We can consider the idea of community, and indeed a moral community, from varying disciplinary perspectives, and in this chapter I make use of philosophical, sociological, anthropological and theological writings on communities and more specifically writings about moral communities. Raymond Williams writes that the term community 'unlike all other terms of social organisation (state, nation, society, for example.)....seems never to be used unfavourably.'¹⁷³ The term community carries incredible emotional power and undoubtedly denotes a scale or mode of social life. It is clear that a social dimension is inherent to any understanding of community and morality. Interestingly, the word community is something that has been seen as a predominantly female consideration and cultural traits for many writers working towards a more feminist ethic. Whilst traditional ethics (such as Kantian and Utilitarian perspectives) have overrated male cultural traits such as 'independence, autonomy, intellect, mind', a female set of traits would instead espouse 'interdependence, community, emotion and the body.'

Kantian ideas about rational moral agency or moral autonomy means that agents with such capacities can be the bearers of moral obligations and as such can function in a type of moral community. Kantian philosophy focuses on rationality and, therefore, all rational agents with the capacity for autonomy are included within the moral community. The Utilitarian philosophy focuses on the minimising of suffering and the maximising of happiness and so, the type of being within the moral community is one who is sentient. Many writers consider the idea of moral community in a similar way to how they approach personhood conceptions; they consider who qualifies for membership within the group and they tend to focus on a set of abilities required for that being's inclusion. Instead I believe that we should be considering moral communities from the perspective of context in the sense that moral communities are concrete and they emerge from our various social and cultural settings.

As we have seen, personhood for many writers denotes a being, or a moral agent, that is a member of 'the moral community.' We all belong to a moral community, I would argue that we belong to many interlocking moral communities, but the nature of such a moral community and how to define such a conception is likely to cause considerable debate. Conceptions of the moral

¹⁷³ Raymond Williams, 'The Importance of Community', *Resources of Hope*, London, Verso, 1989, pp.111-19.

community will also be present in many authors' ethical writings and yet their definition may not be explicitly discussed or defined. Michael Allen Fox sets out the following definition of 'the moral community': 'most generally it is a group of beings, that share certain characteristics, and whose members are, or, consider themselves to be bound to observe certain rules of conduct in relation to one another because of their mutual likeness.'¹⁷⁴ Another philosopher who has referred specifically to the idea of moral community in their writing is David Shoemaker and he states that 'the "moral community" is a term of art in philosophy, but it is often taken to refer to the collection of moral agents, that is, those agents eligible for assessments of moral responsibility.'¹⁷⁵ A moral community is a society in the broadest sense of the word. As Pirmin Stekeler-Weithofer argues, to be a person is essentially to be part of the human world, to take part in a moral community and a system of social practices and institutions;¹⁷⁶ we can see that we are immediately confronted with the question of what sort of beings belong to a moral community.

Entrance criteria for 'the moral community' is intimately linked to the type of definitions authors have forwarded for both their conception of moral community and the type of agent that belongs to such a community. Just as I challenged the approach which looked to see what kinds of entities 'qualify' for personhood, I would also recommend that we avoid the same pitfalls when seeking to define a moral community and its members. Surely the dangers of the 'hermeneutic circle' loom large here too, in that authors will define the moral community and membership criterion for the moral community because of the types of being one may wish to include or exclude, and thus we act according to how we have defined it. Again, these definitions and conceptions are far from lofty, each definition has practical intent, and how we view a moral community takes on urgent meaning. We should recall Kittay's comments about the range of morally repugnant exclusions currently resulting from the way philosophers approach ethical membership and agency. In short, often, how we define and understand the moral community is really a dialogue about the limits of the moral community and its margins. The boundaries of the moral community should be an area of robust attention for the philosopher, as should the subtle and more varied ways we exclude humans from what really matters – their moral context and their moral communities. I recommend that we move away from the language of *the* moral community, as if there is just one ideal and mythical realm, and instead explore just how complex

¹⁷⁴ Michael Allen Fox, 'The Moral Community', in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Blackwell, 2002, pp. 117-127.

¹⁷⁵ David Shoemaker, 'Responsibility, Agency and Cognitive Disability', in Eva Feder Kittay and Licia Carlson(eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.201.

¹⁷⁶ Pirmin Stekeler-Weithofer, 'Persons and Practices,' *Journal of Consciousness Studies*, Volume 14, No.5-6, May-June 2007.

the idea of a moral community, among many, is. We need to appreciate the complexities of talking about any moral community, but also embrace the idea of lots of different moral communities in different contexts. As Seymour Mandelbaum writes, we belong to many overlapping communities; we are part of a ‘great cast of others....we are entangled.’¹⁷⁷

The language of membership and inclusion is somewhat peculiar, and I would agree with Shannon M. Jordan when she writes that ‘human life is always lived in a community’ and it is within this context that we will find out what it means to be a moral agent.¹⁷⁸ The human being therefore is already in a moral community, and we need to embrace our social identity and ‘agency’ and see ourselves as members of varied human communities, as socialised beings in the world of other beings. We should not ‘test’ to see who belongs to a human moral community or forward particular qualifications for membership. Instead we should explore a range of moral communities, this is where philosophical anthropology can assist our enquiry, and we must stay alert to the marginalisations that a moral community can create. I recommend the approach adopted by Jarrett Zignon, among others,¹⁷⁹ when he argues that whilst a dialogue between anthropologists of moralities and moral philosophers is essential, philosophers need to be careful not to impose a certain Western philosophical view on the beings in a moral community. Zignon writes that importing ‘Habermasian rational communicators, Taylorian agents and Aristotelian social virtuosos’¹⁸⁰ into the dialogue will limit both disciplines’ progress and their related enquiries. We need to explore concrete human communities and understand the ‘intersection of the various spheres of morality in the daily lives of persons and also the multifarious ways that human persons work on themselves not only to enact, but also to alter their social worlds in which they are firmly placed.’¹⁸¹

Fox and Shoemaker offer particular philosophical definitions of the moral community on which to hook our initial reflections, and both writers also explore the idea of membership within a moral community. They argue that for a being to be a member of a moral community they must be beings that by their very nature possess certain characteristics which make them able to operate within such a community. Shoemaker stresses that philosophers use the term moral

¹⁷⁷ Seymour J Mandelbaum, *Open Moral Communities*, Cambridge: Mass., MIT Press, 2000, p.xii.

¹⁷⁸ Shannon. M. Jordan, ‘The Moral Community and Persons’, *Philosophy Today*, Vol. 30, no. 2, 1986, p.110.

¹⁷⁹ Jarrett Zignon, *Morality: An Anthropological Perspective*, Oxford, Berg Publishing, 2008; James Laidlaw, ‘For an Anthropology of Ethics and Freedom’, *Journal of the Royal Anthropological Institute*, 8, (2), pp.311-32.

¹⁸⁰ *ibid*, p.4.

¹⁸¹ *ibid*. p.166.

community to understand who is responsible and why,¹⁸² and he explores the importance of those beings capable of moral address and engagement. Members within his conception of the moral community are ‘those agents eligible for assessments of moral responsibility.’¹⁸³ Fox lists the sort of characteristics we might come to expect from a being able to operate within a moral community for example: ‘critical self-awareness; the ability to manipulate complex concepts and to use a sophisticated language... and the capacity to reflect, plan, deliberate, choose and accept responsibility for acting.’¹⁸⁴ Fox says that it is these capacities that make humans ‘autonomous or self-directing and capable of functioning as rational moral agents.’¹⁸⁵ He goes on to say that the capacity for such abilities goes a long way to explaining what we mean when we talk of ourselves as persons. It is not one sole capacity or characteristic that entails personhood, but rather a ‘whole cluster of interrelated capacities’¹⁸⁶ and this is what marks us out as an autonomous moral agent and a morally superior being or person. Fox argues that rights emerge from a moral community and ‘thus rights belong to beings because they are moral agents functioning within a community of which responsibility and accountability are central features and where they are acknowledged to be such.’¹⁸⁷

Fox’s article explores the ‘circles’ within a moral community with certain beings viewed as members of the inner circle and thus entitled to a full set of rights, due to the possession of certain capacities. Whereas the outer circles are the locations for those beings that have a modified set of rights by virtue of the fact that ‘we’ are connected to them through a ‘chain of love and concern’¹⁸⁸ and because agents in the inner circle would have a duty to protect such beings, if they had the sort of moral agency suggested. Animals are not included in Fox’s inner circle, but a Martian might be, if they were to possess the types of characteristics listed above. So whilst animals are not full members of the moral community ‘because they lack autonomy, they must nevertheless fall within the most immediate extension of the moral community and as such are subject to its protection.’¹⁸⁹ Here we see the well known distinction between moral agents

¹⁸² David Shoemaker, ‘Responsibility, Agency and Cognitive Disability’, in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.211.

¹⁸³ Michael Allen Fox, ‘The Moral Community’, in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Blackwell, 2002, pp.117-127.

¹⁸⁴ *ibid.* p.118.

¹⁸⁵ *ibid.* p.118.

¹⁸⁶ *ibid.* p.119.

¹⁸⁷ *ibid.* p.120.

¹⁸⁸ *ibid.* p.124.

¹⁸⁹ *ibid.* p.122.

and patients emerge, with moral agents being labelled as such due to their rational capacities, and because they can be held morally accountable for their actions, whereas the moral patient is an object of moral concern, and, therefore, moral protection, but they cannot be held morally accountable for their actions and so lack agency. I would suggest that this reveals a very narrow conception of agency and the many varied ways that we can be in a relationship with another.

Shoemaker's definition forwards the idea that the moral community is a community of agents with whom we can engage in moral address. He writes that the moral community is 'made up of only those who are capable of meeting the accountability face of responsibility, those capable of holding, and being held, *accountable* to one another.'¹⁹⁰ Shoemaker's moral community endorses the very traditional philosophical forensic idea¹⁹¹ of the moral agent who has reason and can be held accountable. His understanding of a moral community is one that centres on particular types of moral address and rather than focus on animals and animal rights, as Fox does, he considers the example of a psychopath and an adult person with a mild type of mental or intellectual disability. Fox also refers briefly to humans who suffer psychopathic and sociopathic disorders, but notes that they are not members of the moral community as they simply cannot recognise standard rules of conduct 'even by virtue of recognising and acknowledging that others share important characteristics with them.'¹⁹²

Shoemaker would include an adult with a mild type of mental disability within the moral community and, like Fox, he argues that psychopaths are not members but could be at the margins given that he does concede that, in terms of the members continuum, they are closer to membership than other beings given the interrelated nature of certain human characteristics. He writes that in relation to psychopaths that 'someone for whom the plight of others makes no emotional dent surely lacks the capacity to be appropriately sensitive to the moral reasons deriving from their plight.'¹⁹³ As Kittay and Licia Carlson write, 'the ability to empathise is a capacity that is unimpaired in many with cognitive disabilities and is dangerously absent in the psychopath.'¹⁹⁴ Shoemaker's argument hinges on accountability and so, for Shoemaker, the

¹⁹⁰ David Shoemaker, 'Responsibility, Agency and Cognitive Disability', in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.211.

¹⁹¹ Although in terms of legal accountability, Shoemaker does say that psychopaths can be legally held to account by the courts.

¹⁹² Michael Allen Fox, 'The Moral Community,' in Hugh LaFollette (ed.), *Ethics in Practice*, Oxford, Blackwell, 2002, p.118.

¹⁹³ David Shoemaker, 'Responsibility, Agency and Cognitive Disability', in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.211.

¹⁹⁴ Eva Feder Kittay and Licia Carlson, (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.12.

psychopath cannot be held accountable to other members of the moral community, but that a person with mild mental disabilities could be – thus seeing the importance of the range and web of relations that each human being finds themselves in.¹⁹⁵ Similarly to Fox’s reference to sensitivities and our ‘chain of love and concern,’ Shoemaker focuses on emotional maturity and emotional powers in explaining whom we should and should not treat as accountable, as ‘the capacity for certain sorts of emotional responses is necessary for the development of the ‘intellectual capacity for sensitivity to, appreciation of, and responsiveness to moral reasons.’¹⁹⁶ He adds that the factors for accountability are ‘sensitivity and arousal to the distress of others, emotional maturity and empathy.’¹⁹⁷

Both Fox and Shoemaker cling to the capacity-driven approach to personhood membership which I have recommended needs abandoning, although they do at least see that different capacities are very much interrelated and that there is not just one distinguishing ability that bestows personhood, and therefore membership on the individual. We need to appreciate that human beings in a moral community is essentially one word, and rather than consider or test for membership, we must look to learn from actual moral communities and see that human beings are always in a moral community regardless of their capacities, as we are all intimately related to each other. As Mandelbaum writes, ‘communities are composed of human beings....this is a moral fact.’¹⁹⁸ Mandelbaum also appreciates the dangers of communities and community membership and writes that ‘the other side of membership is exclusion and difference.’¹⁹⁹ This ‘difference’ is seen in the ‘moral agents and patients’ dichotomy and is, I believe, a dangerous ethical approach and part of the ‘us-and-them’ distinction present within much ethical dialogue. In Shoemaker’s writings, we do see some sense of a shift away from the focus on the rational being opposed to the emotional being, and in fact it is the need for robust emotional responses and, more specifically, empathy that forms the essential part of his membership criterion. Likewise abstract reasoning is not elevated above the contextual and the varied other ways that human beings can have agency, as Shoemaker does see that the mildly disabled person can be

¹⁹⁵ Early ideas about membership within a community appear in Aristotle and Polybius’ writings. Polybius argues that if a member of a community behaves very badly to his fellow members, others shun him, but he is certainly not to be viewed as an outsider. This reveals an early ‘fluid’ view on the notion of membership and association. Polybius, *The Histories*, Oxford, Oxford University Press, 2010, Book 6, 6-12.

¹⁹⁶ David Shoemaker, ‘Responsibility, Agency and Cognitive Disability’, in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.211.

¹⁹⁷ *ibid.* p.220.

¹⁹⁸ Seymour J Mandelbaum, *Open Moral Communities*, Cambridge: Mass., MIT Press, 2000, p.7; Plato, *Republic*, Oxford, Oxford University Press, 1993, Book 8, p.191.

¹⁹⁹ *ibid.* p.10.

morally related and accountable to some people, but not all, thus seeing that agency can be activated at a concrete level through certain relationships and more intimate moral communities. The psychopath could have a very detached type of empathy, and he could certainly be highly rational and have impressive powers of abstraction, and yet the psychopath is not emotionally engaged within the community in which they are situated and this is why they fail to be included.

Our relational status as a socialised human being situated in a moral community is both a social fact and the understanding I believe we must forward within ethical dialogue. Whilst Fox does write beautifully about extending the moral community and seeing that we are beings in a chain of relations, and his alertness to speciesism is also an important strength to his writing, by endorsing a list of particular characteristics for ‘full’ membership, he is guilty both of falling into the us-and-them rhetoric and also the dangers observed within a nominalist account for personhood, in that the author can often come down too hard on certain capacities and as such the lines for inclusion are drawn too tightly. Instead we need to be prepared to adopt an approach that allows for some blurring of the boundaries, as Mary Midgley suggested when speaking about the philosophical fascination with differentiating between humans and animals²⁰⁰ at the edge of moral communities and when considering membership and agency therefore. Shoemaker is correct to say that the most important task when considering the nature of the moral community is to consider not just the fully fledged members of that community, or those that are excluded, but to consider those beings that occupy a boundary position.

2.2 ‘The Moral Community’ and blurring the boundaries for inclusion

Fox’s reflections on non-human animals and Shoemaker’s reflections on people with disabilities and sociopaths reveal that much philosophical work on moral communities centres on the margins and boundaries of such a moral community. As Shoemaker himself writes, if we want to have a clearer ‘grip on the nature of the moral community,’ we need to focus on ‘the nature of its boundaries.’²⁰¹ As referenced regularly already in this dissertation I am concerned, like Kittay, by the range of morally repugnant exclusions a moral community can create and urge that we reconsider the way we treat a range of human beings, such as women, non-white males and people with disabilities, and that we also consider the more subtle ways we fail to include human

²⁰⁰ Mary Midgley, *Beast and Man: The Roots of Human Nature*, London, Routledge, 1995.

²⁰¹ David Shoemaker, ‘Responsibility, Agency and Cognitive Disability’, in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.219.

beings from ‘their’ moral communities. Our inability properly to include a range of human beings, not just animals, into the moral community demands attention and reveals a lack of philosophical imagination and sensitivity when it comes to an understanding of membership and agency.

As Mandelbaum writes, humans can find a kind of nourishment, support and meaning in communities and in their relationships with others. He calls this a ‘moral order in the discipline of membership.’²⁰² However, we also see appalling marginalisations, oppression and uncertainty in our relational status and communities can create stigma, isolation and they can be things to be fled. Awful things have been done in the name of ‘the community’ or the ‘good of the community.’ The term community does not, therefore, always have the positive valence that some sociologists observe. There is, as some writers suggest, ‘a current seduction by the concept of community’²⁰³ as if some sort of conceptual haven, but the term community and moral community is not a lofty analytic tool, but rather a broad term that has emotional relevance that encapsulates a focus on social settings, communal ties and concrete existence. The ‘thickness’²⁰⁴ and depth of the term ‘community’ and ‘moral community’ means that whilst we may not have the abstract and precise definition that some may see as necessary, we do allow for a more accurate, layered, and nuanced understanding of our moral context(s). A more broad, variable, fluid, or non-fixed understanding of a moral community, will ensure that the ‘bottom-up thinking’ approach directs the enquiry and this allows the field of anthropology to influence the dialogue; this understanding will also have far more emotional resonance in that membership or loss of membership within a moral community is what really matters and I will explore the ways that a moral community can isolate and exclude women from their moral communities in terms of the abortion context in detail in **Chapter Five: Abortion Stigma and Other Exclusions**.

Val Plumwood, referenced in my introduction,²⁰⁵ has written extensively about Western Philosophy, opposed to Eastern ideas, and its focus on ‘reason-givers’ and certain dualisms that she believes creates privileged ‘in’ groups and therefore marginalised ‘out’ groups as a result.²⁰⁶ By creating such a group of humans, this then dismisses or ignores the status of other human

²⁰² Seymour J Mandelbaum, *Open Moral Communities*, Cambridge: Mass., MIT Press, 2000, p.10.

²⁰³ A Agrawal and C Gibson, *Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation*, World Development, 27, 4, 1999, pp.629–49.

²⁰⁴ Amit Vered and Nigel Rapport, ‘The Trouble with Community: Anthropological Reflections on Movement, Identity and Identity Collective, Anthropology’, *Culture and Society*, London, Pluto Press, 2002, p.17.

²⁰⁵ cf. page 9 of this dissertation.

²⁰⁶ Val Plumwood, *Environmental Culture*, New York, Routledge, 2002, p.100.

beings and it also leads to a division in nature where humans, although, not all humans, are the sole possessors of reason, and are active, knowing, subjects and agents, as opposed to passive, knowable, objects and patients, although if not a patient (and thus excluded fully) such an 'object' can be abused and eliminated by virtue of this distinction. Such an approach clearly fails to grasp the notion of interconnection and the contextual relationships human beings have to each other and to other living beings and their settings. So much of philosophy, claims Plumwood, fails to see the existence of humans and animals as an embodied existence; we look at the world from the approach of the 'philosophy of mind, an abstraction that renders our daily existence inconsequential.'²⁰⁷ Animals and the environment come to represent the limits of the moral community and this is worth being alert to, as it has been part of the way that we have justified excluding others from our community, i.e. those beings with less rational capacities are thus seen as animal, fleshy or earthy.

Marginal cases for personhood and membership within the moral community have often taken the form of animals, comatose patients, foetuses or very young infants, but also at the borders we also have had psychopaths and sociopaths and people with disabilities. Interestingly for some writers the inclusion and protection of animals is quite remarkable, given that we still do not fully include non-white males and women. Kelly Oliver reflects on the ambivalent status of animals in a moral community when she observes the 'American ethical response to the dogs of hurricane Katrina.' She writes that the 'the sympathy that could have, or should have, been directed at African Americans' suffering of loss and death is displaced onto their dogs, seemingly because many white Americans can feel more sympathy towards dogs than they can toward African Americans.'²⁰⁸ Oliver refers to another important dichotomy that emerges within ethical discussions about the status of animals, a discussion which she thinks reveals something telling about how we include and exclude certain humans, when she considers the distinction between monsters or innocents. Some animals, and, therefore, humans, are too cruel or beastly and lacking in emotional sensitivity to be 'in', whereas some animals are seen as sharing certain capacities with us, but more interestingly they are seen as innocent and genteel animals. The reference to the idea of an innocent being reminds us of the frequency this term is bandied around in abortion debates. The innocent life of the foetus and its suffering is pitted against the 'choice' of the mother, as if the mother is somehow pro-death and 'choosing' to cause suffering. This again reveals how exclusions can be subtle, as some women in abortion contexts are

²⁰⁷ Linda Vance, 'Beyond Just-So Stories: Narrative, Animals and Ethics', in Carol J. Adams and Josephine Donovan (eds.) *Animals and Women: Feminist Theoretic Explorations*, London, Duke University Press, 1995, pp.163-192.

²⁰⁸ <http://thephilosopherseye.com/2012/07/09/hypatia-symposium-kelly-oliver/>

excluded from their communities due to their decision, since the decision is seen by many in their communities as unnatural, selfish and morally abhorrent. Highly stigmatising categories and labels contribute to this exclusion for the mother. Discussions about pregnancy and motherhood often veer from being wanted or unwanted, sacrificial or selfish, natural or unnatural and essential or unimportant and very much secondary to a woman's life project. Diana T. Meyers writes that sadly rhetoric about motherhood 'oscillate between contempt for it or reverence and sentimentality.'²⁰⁹ This oversimplification and extremist approach to what is, in fact, a very complex experience and decision naturally results in marked categories, dangerous stigmas and the creation of an out-group; discussions about pregnancy, motherhood and abortion cannot be reduced and instead, we must allow for a plurality of experiences and responses.

At the boundaries of the moral community we have many marginal and subtle cases to consider. Animals and the dialogue concerning their inclusion within a moral community offers an interesting insight in that, for some writers, animals are, in fact, offered the hand of care and protection in a way that certain human beings are not. In terms of the marginalisations faced by women, Josephine Donovan writes that women need to be careful that in their rush to be seen as 'persons,' they must not forget the plight of other victims²¹⁰ and they must keep alert to these exclusions, exclusions which can be highly subtle in nature. The dialogue about animals and the moral community is really about the limits of the moral community and the question of where we draw lines for inclusion. Animal theory and feminist theory have important parallels in that they focus on care and relationships, but more importantly they focus on the fullest extension of care and creative ways to view relationships and this has important implications for disability ethics as well.

As we have seen thus far in this dissertation, and as Donovan states explicitly, 'rationality has been constructed by most Western theorists as the defining requirement from personhood'²¹¹ and for membership in the moral community and women, along with non-white men and animals, have long been excluded. Thus women often wish to deny their animal status, and we previously referenced the fear of essentialism for certain feminist writers, as they believe that they need to reject their 'animal status' to move beyond the fleshy level of existence towards 'male transcendence.'²¹² Even many liberal feminists have written that women should embrace

²⁰⁹ Carol J. Adams and Josephine Donovan (eds.) *Animals and Women: Feminist Theoretic Explorations*, London, Duke University Press, 1995, p.7.

²¹⁰ *ibid.* p.8.

²¹¹ *ibid.* p.9.

²¹² *ibid.*, p.7.

their intellectual and rational minds; women should be seen as just like men and nothing like animals. And yet focussing on animals does not divert from human need, although my predominant concern in this dissertation is to address the types of exclusions a moral community can create in relation to abortion debates and for men, women and societies facing that particular situation. Looking at vulnerable cases, reminds us that we can respond and we should consider other objects of subjugation, other exclusions and other types of victims. Abandoning the rhetoric of persons was due to the hierarchies and orthodoxies so embedded within the term; it was a term of elevation rather than the equaliser and grounder needed.

Animals are not, in fact, part of the moral community of human beings, but not because they are not intimately connected to us, and this is not to say that animal communities do not overlap with human ones. We should not have an aversion to our biological heritage or animal layer, but we should also recognise that it is only a part of our layered identity. Our human capacities and human tendencies vary enormously as human beings, and Midgley is right to impress upon us the importance of seeing the line that divides humans and animals as blurred. There is not something in particular that unites or distinguishes us from animals, but it is worth noting that we are human beings, an animal of the species *Homo sapiens*, just as other animals belong to their own species. As one scientist so astutely said when interviewed on such an issue, ‘chimps are chimps are human beings are human beings and, whilst there is overlap, you don’t do chimps or humans any good by muddling this up!’²¹³ Sue Savage-Rumbaugh has sought to create a human culture for bonobos as part of her research and, whilst this is an actual example of two moral communities permeating each other, it is a community of bonobos interlocked with a community of human beings and more specifically, it is humans importing bonobos into a human culture and ‘giving them’ a human culture. However, that is not to say we cannot learn a great deal about our relationships with animals.

We need to protect the borders, more specifically those beings at the borders, of the moral community in a range of ways and we need to be alert to the subtle exclusions we make. The suffering of animals and the environment requires a response - likewise the exclusion of so many humans requires an urgent response. Both practical and mental exclusions result in status loss for the human being, but they will also face ‘real’ and unequal outcomes, and discrimination necessarily follows labelling, stigmas and exclusions.²¹⁴ This loss of status within a social network

²¹³ <http://www.bbc.co.uk/sn/tvradio/programmes/horizon/broadband/tx/chimps/>

²¹⁴ H. Bashour, et al., ‘Syrian women’s perceptions and experiences of ultrasound screening in pregnancy: Implications for antenatal policy’, *Reproductive Health Matters*, 13, no. 25, 2005, pp. 147–54.

is ‘fundamentally a moral issue in which stigmatised conditions threaten what really matters.’²¹⁵ The being at the heart of any moral community is a socialised human being and any understanding of a moral community must draw on social groups and the work of anthropologists in this field.

2.3 A Moral Context and Anthropological understandings of ‘The Moral Community’

Alistair MacIntyre’s oft-quoted loss of cultural context and the shrill and barren state²¹⁶ of moral dialogue, have considerable bearing on this debate, as without awareness of our particular cultural setting I do not think we can adequately explore the ethical dilemmas we might face. MacIntyre’s references to this barren age reveal that in our current postmodern era we face the sort of deadlock to which Ruth Macklin referred, and he too refers to the abortion debate as in a type of stalemate and refers to it as ‘interminable.’²¹⁷ In his famous final paragraph in *After Virtue*, he writes: ‘What matters at this stage is the construction of local forms of community within which civility and the intellectual and moral life can be sustained through the new dark ages which are already upon us. And, if the tradition of the virtues was able to survive the horrors of the last dark ages, we are not entirely without grounds for hope. This time, however, the barbarians are not waiting beyond the frontiers; they have already been governing us for quite some time. And it is our lack of consciousness of this that constitutes part of our predicament. We are waiting not for Godot, but for another – doubtless very different- St Benedict.’²¹⁸ He suggests that the enlightenment project has failed and we have been unable to resolve areas of ethical disagreement through purely rational means. MacIntyre holds that the tradition of the virtues, and the moral context or communities from which they emerge, provide a more suitable setting for solving moral dilemmas. Robin Gill writes, ‘the glimmer of hope offered by MacIntyre that moral communities might survive the ravages of secularization is evidently not large.’ Malebraum and Gill both also make reference to sociologist Robert Bellah’s definition of a moral community in their books; Bellah in his book *Habits of Heart* continues the critique of rational individualism and instead, forwards an ethical approach that values communities. He views them

²¹⁵ L. H. Yang et al., ‘Culture and stigma: Adding moral Experience to stigma theory’, *Social Science and Medicine*, 64, 15, 2007, pp.24–35.

²¹⁶ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Notre Dame: University of Notre Dame Press, 3rd Revised edition, 2007.

²¹⁷ *ibid.* p6.

²¹⁸ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Notre Dame: University of Notre Dame Press, 3rd Revised edition, 2007.

as socio-historical products and he believes that this social context offers renewed vigour to the role of moral communities in society. Bellah's definition of a moral community is that it is 'a group of people who are socially interdependent who participate together in discussion and decision making and who share certain practices that both define the community and are nurtured by it; such a community is not quickly formed. It almost always has a history and so is also a community of memory, defined in part by its past and its memory of its past.'²¹⁹

Ethics and our sense of morality must be seen in the full and varied context of our human life, grounded in human experience.²²⁰ I believe that any ethical approach needs to springboard from human experiences and from our complex and diverse situations and relationships. The philosopher Abraham Edel and anthropologist Mary Edel in their book *Anthropology and Ethics*, sought to embrace the widest possible information about various existing moralities, and they lamented the limited ethical outlook taken by so many writers.²²¹ 'The spirit of the Edels' approach to ethics is that they wished to access as much information as possible about various existing moralities; their book is a bold attempt at a 'moral map of the globe in historical depth.'²²² When approaching the idea of a moral community from an anthropological perspective, it is worth noting initially that anthropologists often refer to a culture as a morality. The dissertation endorses a bottom up approach and one that deals with the ethically given and hence anthropological writings are essential in that they can help to unveil a more accurate description of what a moral community is and how they vary. Anthropologists such as Clifford Geertz and Abraham Edel have stressed that a full understanding of the human being lies in the presence of the culture that surrounds that human being and the communities that emerge. The importance of a varied and comparative approach to studying ethics was one of the central hallmarks of Edel's recommendations. Edel suggested that to understand the human spirit, required an understanding of the cultural and socio-historical life of man. Our understanding of man does not lie in universal codes or behaviours or in linguistic structures and understanding; Edel objects to the overemphasis that modern analytical ethics places on language. Now whilst Edel fully acknowledges that man is a 'symbol making animal and that a great deal of moral

²¹⁹ R Bellah et al., *Habits of Heart: Middle America Observed*, Harvard, Harvard University Press, 1971, p.136.

²²⁰ Irving Louis Horowitz and Horace Standish Thayer (eds.) *Ethics, Science, and Democracy: The Philosophy of Abraham Edel*, New Jersey, Transaction Publishers, 1987.

²²¹ *ibid* p.4.

²²² Robin Gill, *Moral Communities*, Exeter, University of Exeter Press, 1992, p.52.

training takes place through talk,' talk is and cannot be the only instrument of morality.²²³ Language may well be an essential part of the jigsaw puzzle that is human nature, but it can only be understood in light of this context and for Edel this would require us to draw necessarily on the essential co-ordinates of his historical, social, psychological circumstances. In ethics, what we face within our reflections are not objects as such, although the human body is certainly a unique object, but rather a social product, a man-made culture phenomenon or morality; 'to pursue certain common goals and to avoid some types of acts, to praise members of communities for some forms of conduct and to blame them for others.'²²⁴ Morality becomes learnt in the process of socialisation, we as human beings in a moral community are situated in direct moral experiences.²²⁵ The more we study our cultural and social context, the more we will understand the content of ethical theories and concepts.

Geertz also argues that our understanding of personhood and an approach to moral dilemmas must be firmly positioned within the presence of each human beings distinct human moral community or moral culture. He quite rightly stresses that man is what he is, and what he becomes, by virtue of his culture.²²⁶ He writes that a human being is an animal suspended in a web of significance which he himself has spun and that the human being is essentially dependent on a culture to order his or her survival. He goes on to say: 'The Ice Age appears not to have been merely a time of receding brow ridges and shrinking jaws, but a time in which were forged nearly all those characteristics which are most graphically human; his encephalated nervous system, his incest taboo social structure, and his capacity to create and use symbols. The fact that these distinctive features of humanity emerged together in complex interaction of human mentality, because it suggests that man's nervous system does not merely enable him to acquire culture, it positively demands that he do so if he is going to function at all.'

This reveals again the point stressed by Malebraum and so many other writers referenced in this dissertation, that humans are always situated and live their lives in a moral community. We are social creatures and beings of activity and we are tied together by our relationships and our actions, and this forms our moral obligations – we are human beings in a moral community and

²²³ Irving Louis Horowitz and Horace Standish Thayer, *Ethics, Science and Democracy, The Philosophy of Abraham Edel*, New Jersey, Transaction Publishers, 1987, p.10.

²²⁴ *ibid.* p.14.

²²⁵ Abraham Edel and Mary Edel, *Anthropology and Ethics: The Quest for Moral Understanding*, New Jersey, Transaction Publishers, 2000, p.180 and p.232.

²²⁶ Clifford Geertz, 'The Impact of the Concept of Culture on the Concept of Man,' in *Bulletin of the Atomic Scientists*, Chicago/IL./USA: The Atomic Scientists of Chicago, vol. 22 no. 4, 1966, pp. 2-8.

we are relational beings in moral relationships with one another due to these obligations. The relational bonds that tie us together emerged through our context and through the circumstances of our distinctly human lives. Anthropological understandings, therefore, attend specifically to the idea of the relational and social human being in a moral community. Anthropology unveils a moral community that views its inhabitants as beings in context - they are in a moral community and a moral culture. In terms of abortion debates, this framework and approach would start with us as relational human beings in context and it would situate the debate firmly in the lives of those facing the dilemma. Shoemaker concluded that it is the power of interpersonal relationships that makes one eligible for moral responsibility and membership within a moral community. As Carol Gilligan reminds us, moral problems and dilemmas are problems of human relations.²²⁷ The abortion dialogue, therefore, would not just be about the life of the woman, but about her family and the unique context she finds herself in. Likewise, although there will often reveal a rhetoric of human and infant survival and nurture in anthropological writings, this is also a theme that is situated within and would also take account of contextual and wider factors relating to the issue. The nature of a moral community is highly complex, and 'we thwart an understanding of ourselves as moral agents when we pay insufficient attention to the complexities.'²²⁸

2.4 Theological Understandings of Moral Community

The theologian and moral philosopher Robin Gill has written about the idea of the moral community. Gill sees communities as dynamic organisations and the setting for human beings. He also endorses the idea of many varying moral communities, all interlocking in various ways and all having a great influence on each other. Like Mandelbaum's reflection, that with moral communities comes both membership and nourishment but also exclusion and difference,²²⁹ Gill writes that the moral community can be a 'treasure trove' of moral excellence and wisdom but he also sees that they can be centres of sin and dangerously exclusive. Gill forwards the idea of a relational being and argues that human beings can be both united and divided by their moral context. Gill is particularly interested in the practice and function of moral communities; he

²²⁷ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p.xix.

²²⁸ David Shoemaker, 'Responsibility, Agency and Cognitive Disability', in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.220.

²²⁹ Seymour J Mandelbaum, *Open Moral Communities*, Cambridge: Mass., MIT Press, 2000, p.10.

argues that care and morality is about doing²³⁰ and dynamic action, and so agrees with the line of thought in this dissertation that the moral community is something fluid but also about relationships first and foremost. He does proffer a definition of a Christian moral community and does not shy away from presenting a definition. He writes that ‘being a Christian in moral community is about sharing together with others...sharing in worship, sharing together in care and sharing together to heal a broken world.’²³¹ The judgemental, polarised, prejudiced community actually runs counter to Christianity’s essence.

Gill’s reflections are somewhat more optimistic than those of McIntyre and he believes that it is our varying moral communities that can transform our fragmented society into one that nurtures selfless care. He sees that morality is passed through communities and is not acquired through rational abstraction; it emerges through relationships and from individual to individual. Gill writes that there is a moral symmetry between a caring individual, as part of a community as a relational being, and that the world, and our moral communities, are caring; human caring is seen as an expression or mirror of God’s caring nature.²³² Again, we see that some of the themes of relationality, vulnerability and care found in certain theologian’s writings really fight against focusing on the individual in abstraction and instead fully embrace the relational basis of human life where care can be nurtured and help to heal a fragmented society. In the next Chapter, I will go on to argue that an ethic of care, coupled with a phenomenological approach, will not only provide an excellent framework for developing ideas about the human being in a moral community, but will also provide the most fruitful framework when responding to ethical issues generated by abortion debates.

2.5 Human Beings in a Moral Community: An Overview

Taking account of our nature as socialised beings in relationship with other beings, is both a moral fact and key to understanding our moral existence more broadly. Membership within a moral community is a moral issue where certain experiences and conditions can nourish, but also threaten, what really counts. Far too many authors have focussed on the idea of a moral community in terms of tests and qualifications for memberships; the philosophical approach of distinguishing and demarcating seeks to respond to the question of who is included in our moral

²³⁰ Robin Gill, *Moral Communities*, Exeter, University of Exeter Press, 1992, p.14.

²³¹ *ibid.*

²³² *ibid.*

community and where we are to fix the boundaries. Yet we don't 'enter' a moral community, we find ourselves entangled and nested in a moral community, and in many overlapping moral communities; this is the reality of society, we are in a web of intersecting and highly varied communities. With ever expanding moral communities we need to work towards an ethic that allows for a plurality of responses and one that seeks to consider a range of social and cultural communities.

Chapter Three: Care Ethics, Phenomenology and Abortion

3.1 Care Ethics and Phenomenology as a framework for navigating Abortion debates

As stated in my introduction, I recommend that an ethic of care, coupled with a phenomenological approach, will provide the most fruitful framework when responding to ethical issues generated by abortion debates. As Robin Gill writes in his short book *Moral Communities*, ‘all sorts of groups are thinking seriously about care at the moment.’²³³ Gill refers to both ‘care’ and ‘selfless care’ in his work and believes that it is moral communities, and their ability to foster selfless care, that will help to heal what he refers to as a broken and fragmented society.²³⁴ Likewise, Paul Halmos²³⁵ in his book *The Faith of Counsellors* argued that at the heart of good counselling is a notion of care as care is about action and transformation. Virginia Held is aware that many theorists dislike the term ‘care’ and have tried, instead, to replace it with ideas such as love, empathy and compassion, and some have wished to call the approach ‘relational ethics,’ and yet the ‘discourse keeps returning to ‘care.’²³⁶ Like Held, I would agree that ‘care’ has many advantages as a term in that care encompasses and grasps both theory and practice. Nel Noddings focuses on caring as an attitude but one that is connected to, and, accompanying the activity of caring.²³⁷ ‘Care is for Noddings, an attitude and an ideal manifest in activities of care in concrete situations.’²³⁸

Care is certainly about doing, or what Joan Tronto refers to as attentiveness and responsiveness.²³⁹ As Gill also writes, care is about action and our call to respond and care is, by its very nature, uncomfortable, he writes, ‘it is when care becomes uncomfortable that it becomes morally interesting.’²⁴⁰ It becomes interesting, in part, because it cannot float in a moral

²³³ Robin Gill, *Moral Communities*, Exeter, University of Exeter Press, 1992, p.vii.

²³⁴ *ibid.* p.1.

²³⁵ Paul Halmos, *The Faith of Counsellors*, London, Constable Publishing, 1965, p.2

²³⁶ Virginia Held, ‘The Ethics of Care,’ in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, p. 537.

²³⁷ *ibid.* 544 and Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education*, California, University of California Press, 2005, pp.14-19.

²³⁸ Virginia Held, ‘The Ethics of Care,’ in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, pp.544-5.

²³⁹ Joan Tronto, ‘An Ethic of Care,’ in A. Cudd & R. Andreasen (eds.), *Feminist Theory: A philosophical Anthology*, Malden, Blackwell Publishing, 2005, pp.251-263.

²⁴⁰ Robin Gill, *Moral Communities*, Exeter, Exeter University Press, p.4.

vacuum and because abstract rules serve a limited purpose.²⁴¹ Similarly, and as I have argued, abortion ethics cannot operate within a moral vacuum; it is the ethics of human relationships in context. Abortion is not a unique and objective dilemma that can be sundered from a social and cultural setting and one's views on abortion are likely to be intimately related to views on other issues generated within bioethics.

Care Ethics naturally encourages sympathy, empathy and a care for others. It stresses the interdependence of human beings and thus takes relationships seriously. As an ethical theory, therefore, it lends itself to being considered alongside a phenomenological approach in that a person's own internal existence requires reflection, but also that we value relationships as we should learn from one another and listen to their reflections and descriptions of their subjective experience. It, therefore, has come to endorse a far richer way of looking at the world and our experiences – it is a 'lived world.' As we saw, many authors writing about personhood and the self came to dislocate the person from the very factors we should be giving our full attention, our cultural setting, but they also focussed on one aspect of our nature and often took a reductionist approach to the dialogue. Phenomenologists would share such concerns and, rather than viewing the world, and the persons situated within it, as reducible, material, measurable, instead they embrace the lived experience and the idea of the co-enquirer wishing to understand another person's worldview through their experiences and social reality. The ethical position, therefore, becomes a socio-cultural view,²⁴² people need to be active within a daily life, as beings amongst other beings, and human activity is as much about the ethical and the cultural as it is about the merely physical. The phenomenologist sees that society and social reality are always composed of beings in society and beings in a situation.

The abortion narrative simply cannot be resolved in anything but a contextual setting. Many writers have failed to grasp the uniqueness of the abortion dilemma and the variety of potential scenarios within their philosophical arguments. When approaching the abortion issue, we must have a framework that allows for a plurality of responses. Human beings and their moral communities vary drastically and the discourse on abortion, but also pregnancy, needs to make space for subjectivity as it has so often been omitted from the dialogue. As Marion Iris Young writes, 'the specific experience of women has been absent from most of our cultural discourse

²⁴¹ *ibid.* p.82.

²⁴² Clifton D. Bryant, ed., *The Sociology of Work*, New Jersey, Englewood Cliffs, 1972, p.1.

about human experience and history.²⁴³ The abortion rhetoric cannot languor in the realm of the abstract, and conceptual puzzles and analogies are unhelpful as they assume a commensurability of worldviews. And yet abortion debates are situated, as Gilligan stresses, within a web of human relationships²⁴⁴ and within the context of ‘genuinely incommensurable worldviews.’²⁴⁵

What follows is an overview of Care Ethics and Phenomenology and their central themes drawn out and these are discussed alongside some possible issues generated by the abortion dilemma.

3.2 Care Ethics: Central Themes Moving Forward

As stated in my introduction, persons have come to be viewed and understood as beings that are rational, autonomous and independent agents and this is the description of the moral agent that we find at the heart of the dominant ethical theories such as Kantian Deontology and Utilitarianism. Care Ethics, however, springboards from a critique of this liberal individualism and instead sees persons as relational, interdependent and embedded in society. An ethic of care also values emotion rather than rejects it, as certain dominant rationalistic approaches do. ‘The values of separation, independence and autonomy are so historically grounded....that they are often taken as facts....and yet this is not at all the case.’²⁴⁶ The danger with the dominant ethical theories, and their understanding of the human being, is that certain ethical dilemmas such as the abortion debate become discussions about conflicting principles between the individual and more universal principles. In terms of the abortion debate, and as Joel Feinberg writes: ‘questions about the morality of abortion can be divided into two groups; those concerned with problems about the moral status of the unborn and those concerned with the resolution of conflicting claims – in particular, the claims of the mother and those of the foetus.’²⁴⁷ Yet these questions are far from exhaustive and fail to grasp the intricacies of human relationships, which I believe are at the heart of the issue. This two-fold approach to the abortion issue also clearly takes the dangerous ‘us-and-them’ approach, to which Plumwood refers, as a writer either accords full moral status, and, therefore, a more elevated and protected place within the moral community, to the unborn or does not, and, if they see the debate hinging on the issue of

²⁴³ Iris Marion Young, ‘Pregnant Embodiment: Subjectivity and Alienation,’ *Journal of Medicine and Philosophy*, 9, 1, pp.45-62.

²⁴⁴ Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p.xix

²⁴⁵ Chris Kaposy, ‘Proof and Persuasion in the Philosophical Debate about Abortion,’ *Philosophy and Rhetoric*, 43, 2, 2010, pp.139-62.

²⁴⁶ Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p. xv.

²⁴⁷ Joel Feinberg (ed.), *The Problem of Abortion*, California, Wadsworth Publishing Company, 1984, p.1.

competing claims, they either say the claims of the foetus superseded those of the mother or vice versa.

First and foremost, an ethic of care values and takes relationships seriously. The theory views human beings as beings in a web of complex relationships and our relational status is essential to our agency. Gilligan places human life and human relationships at the centre of ethical dialogue; the ‘different voice’ is a relational voice and a voice of connection.²⁴⁸ Relationships require connection and they require certain skills and capacities such as listening skills, a capacity for empathy and the ability to learn from other voices and to build relationships further. Gilligan draws attention to the role of relationships and different types of moral reasoning in the famous Heinz dilemma, a hypothetical dilemma that Lawrence Kohlberg put to two eleven year old children, Jake and Amy. A man named Heinz is deciding whether or not to steal some medicine which can help his dying wife, he is considering stealing this drug because he cannot afford to buy it himself. When Jake is asked whether or not Heinz should steal the drug he replies: ‘For one thing, a human life is worth more than money, and if the druggist only makes \$1,000, he is still going to live, but if Heinz doesn’t steal the drug, his wife is going to die. (*Why is life more than money?*) Because the druggist can get thousands of dollars later from rich people with cancer, but Heinz can never get his wife again. (*Why not?*) Because people are different and so you couldn’t get Heinz’s wife again.’²⁴⁹ Amy’s reply, however, is markedly different and she answers: ‘Well I don’t think so. I think there might be other ways besides stealing it, like if he could borrow the money or make a loan or something, but he really shouldn’t steal the drug – but his wife shouldn’t die either. (*Why not?*) If he stole the drug, he might save his wife, but if he did, he might have to go to jail, and then his wife might get sicker again, and he couldn’t get more of the drug, and it might not be good. So, they really should just talk it out and find some other way to make the money.’²⁵⁰ Whilst Kohlberg views Amy’s response as lacking in moral maturity, Gilligan views her response as astute in terms of how she perceives human beings and human nature and in that she views the dilemma in terms of human relationships and the maintaining those relationships.

²⁴⁸ *ibid.* p. xiii.

²⁴⁹ *ibid.* p.26.

²⁵⁰ *ibid.* p.28.

The world is conceived of connections, humans are always in web of relationships²⁵¹ and human beings are always situated in a very particular context. This hypothetical dilemma, like the abortion dilemma, cannot be viewed as an isolated and disconnected problem that can be resolved by dealing with competing claims; in the case of Heinz, the boy sees the issue in terms of deciding between property rights and preserving life. Similarly the abortion debate has come to be viewed, by many, as a debate about protecting the ‘innocent foetus’ or upholding a woman’s right to choose. This is to radically misunderstand and to omit the real thrust of the abortion narrative; the failure to link the debate to other social concerns such as abortion stigma, sexual behaviours and activity, pregnancy rates etc. results in dangerous ethical implications as I will go on to explore in **Chapter Five: Abortion Stigma and Other Exclusions**.

As Gilligan writes: ‘The truths of relationship, however, return in the rediscovery of connection, in the realisation that self and other are interdependent and that life, however valuable in itself, can only be sustained by care in relationships.’ A relational approach, and the role of relationships, has been present within certain philosopher’s writings on the issue of abortion; Susan Sherwin and Marjorie Reiley Maguire have been two such writers. As we referenced in **Chapter One: Moving on from Personhood**, Sherwin sees that a person is a social creature and that the person is a being of engagement,²⁵² and Reiley Maguire also refers to the human social community as the setting for the abortion debate.²⁵³ Sherwin’s relational approach to personhood and the abortion debate leads her to make the following conclusion: ‘Foetuses are not persons, because they have not developed sufficiently social relationships to be persons in any morally significant sense... Newborns, although just beginning their development into persons, are immediately subject to social relationships.’²⁵⁴ Reiley Maguire also suggests that foetuses become persons when the mother accepts her pregnancy because then the potentiality for relationality and sociality is activated, ‘because it is brought into a personal relationship with a human person, with the only human person who can actuate this potentiality while the foetus is still in the mother’s body and in a previable state.’²⁵⁵ These approaches, however, focus on relatedness rather than inter-relatedness which, I would argue, grasps the idea of relationships more effectively; relationships are not entirely in the hands of the more ‘activated’ member.

²⁵¹ *ibid.* p.98.

²⁵² Susan Sherwin, *No Longer Patient*, Philadelphia, Temple University Press, 1992.

²⁵³ Marjorie Reiley Maguire, ‘Personhood, Covenant and Abortion,’ *American Journal of Theology and Philosophy*, Vol. 6, 1, 1985, p.38.

²⁵⁴ Susan Sherwin, *No Longer Patient*, Philadelphia, Temple University Press, 1992; <http://www.uccs.mun.ca/~alatus/2803-Winter03/Lecture7Personhood&Abortion.htm>

²⁵⁵ Marjorie Reiley Maguire, ‘Personhood, Covenant and Abortion,’ *American Journal of Theology and Philosophy*, Vol. 6, 1, 1985, p.38.

Likewise this argument could be seen as focussing too much on the female or the mother and not drawing in the role of the father, or partner, and the unborn. Although I do fully agree with Reiley Maguire, and writers such as Susan Gibson,²⁵⁶ that, whilst the baby is inside the mother, writers need to accept that there is nothing we can do to the unborn without doing something to the mother and as such the baby is most fully in relation to her. The foetus is in a very unique relationship with the woman in that it is 'in her and of her.'²⁵⁷

Valuing, and taking seriously, the role of human relationships within the abortion debate is not entirely the same as 'the relational approach to personhood' and again I would stress the urgent need to cut the abortion rhetoric loose from the personhood debate, as described in my first chapter. Relationships and our sociality are highly complex ideas, because, whilst the foetus is certainly most fully in relation to the mother, as the foetus approaches viability and/or full term, the boundaries do begin to blur in that society would wish to protect an infant as soon as it was born, and even before, in terms of medical intervention to assist the infants quality of life. Society, or rather health care professionals, often step in, to some extent, in order to protect an unborn in the womb and might even overrule the mother on certain medical decisions. Paul Gomberg's²⁵⁸ interesting article on the morality of nurturance reflects on the strengths of the gradualist position, rather than a 'defining moment', approach to personhood. For Gomberg, the morality of nurturance starts only when the woman accepts her pregnancy. He writes that there 'is no precise point at which it is clear that the morality of nurturance must apply to the foetus, it is clear that the longer we wait to abort, the more like a baby is the thing we destroy.'²⁵⁹ Agency, for the care ethicist, is not criteria driven and would not just appear or indeed depart, and thus viewing the moral agent as either having capacities or failing to have them, rather agency is seen as existing on a continuum and very much within the context of relationships.

Another central theme within Care Ethics is that of 'attending' and caring for others. It is a theme that Joan Tronto refers to as 'attentiveness' and 'responsiveness' and what Tove Petterson

²⁵⁶ Susan Gibson, 'The Problem of Abortion: Essentially Contested Concepts and Moral Autonomy,' in Ruth Chadwick et al (eds.), *The Bioethics Reader: Editor's Choice*, Oxford, Blackwell Publishing, 2007, pp.447-458.

²⁵⁷ Catherine Mackinnon, quoted in Ronald Dworkin, *Life's Dominion: An Argument about Abortion and Euthanasia*, London, Harper Collins, 1995, p.54.

²⁵⁸ Paul Gomberg, 'Abortion and the Morality of Nurturance,' *Canadian Journal of Philosophy*, 21, 4, 1991, p.519.

²⁵⁹ *ibid.* This view has been brought into sharper focus given the development of 3D and 4D photographs of the foetus in the womb. In the Channel 4 documentary *My Foetus*, Professor Stuart Campbell thinks the debate has been transformed by the ability to visualise the foetus and in fact he feels that at 23 weeks the foetus cannot be described as a foetus, since it looks 'just like a baby.' Campbell, who says he has always been a supporter of abortion rights, described his unease about later terminations and he now thinks that at about twelve weeks, he now believes, should be the limit for social terminations.

terms ‘co-feeling.’ Gilligan herself stated that her work is grounded in listening²⁶⁰ and likewise a fellow psychologist, Daniel Kahneman, in his popular book *Thinking Fast and Slow* writes that, ‘caring for others often takes the form of listening, and the concern for the quality of their stories.’²⁶¹ The focus on ‘attentiveness’ within Care Ethics marks the shift in approach and moral perspective from the question of ‘what is right and just?’ to ‘how are we to respond?’ As Gill stated, care is about ‘doing’ and the serving and responding to others. Attentiveness and responsiveness demands that we value a contextual, opposed to abstract, approach to moral dilemmas, and our private and cultural settings are as important as our public and political status. To be attentive is to be alert to, and then respond to, a person’s needs, and such needs are only ascertained when we connect with another and appreciate that person’s feelings and their unique situation. Care is the practice of responding to needs, it requires constant enquiry, reflection, improvement. Attentiveness is intimately linked to our relational status and the central role of relationships in Care Ethics; one cannot be attentive to another without a connection. This theme demands that we speak relationally and contextually about our human nature, rather than abstractly, broadly and speculatively. Gilligan’s ‘different voice,’ is a voice that insists on staying in connection. Gilligan writes that it is good ‘to be responsive to people, to act in connection with others and to be careful...about people’s feelings and thoughts, empathetic and attentive to their lives.’ In terms of abortion debates this would mean that the foetus, the mother and the father, or partner, and their feelings would all be considered in full, as would the contextual issues surrounding *that* particular abortion decision, not *the* abortion decision. However, Gilligan was always keen to promote a theory which would make more room for the female voice and one that would reconnect with women. Gill’s focus on selfless care from a theological perspective is part of his Christian framework for responding to and serving others, as caring societies reflect in part the care God has for his creation, however, Gilligan and Pettersen would be wary of the idea of selflessly showing care. They would argue that attentiveness and responsiveness, and care for others more generally, cannot and should not be at the cost of caring for oneself. Gilligan stresses that women have sometimes taken on too much selfless caring, as part of the sacred mother stereotype,²⁶² and that this is often at the detriment of their own needs and health; women need to pay attention and respond to themselves as beings in connection.²⁶³ As stated above, you cannot do anything to the foetus without doing something to the mother, and I do

²⁶⁰ Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p. xiii.

²⁶¹ Daniel Kahneman, *Thinking Fast and Slow*, London, Penguin, 2012.

²⁶² Amy Mullin, *Reconceiving Pregnancy and Childcare: Ethics, Experience and Reproductive Labor*, Cambridge, Cambridge University Press, 2005, p3.

²⁶³ Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*, Cambridge: Massachusetts, Harvard University Press, 1993, p.xiii.

not think this connection ends at the ‘moment’ of birth in that many women report to feeling both emotional and sensory pain when their child suffers.²⁶⁴ Gilligan speaks of the importance in particular of ‘mature care’ which sees that authentic living requires there to be some moral equality between caring for the self and caring for others. In terms of abortion debates, the dilemma is not so straightforwardly about a decision to care or not to care, or to nurture or not to nurture as Paul Gombert discusses, for the foetus, as care for the mother and her health, her feelings and her contextual settings all need to be considered.

Attentiveness and responsiveness demand an approach that also focuses on our situation and subjectivity. Noddings speaks about the importance of ‘face-to-face care’ and the personal and intimate nature of care, a type of care that she also believes can extend beyond the realm of the personal, intimate, private. Michael Slote believes that caring as an approach can take the caring of all humanity into consideration and this is a view that is also echoed by Robert Goodin and explored in the next chapter, **Chapter Four: Vulnerability, Liveable Human Lives and Inclusivity**. Gill writes about how caring societies cultivate not just care, but caring relationships and vice versa. By cultivating caring relations, you cultivate a plurality of caring relations and care as a moral emotion extends and become recognisable and transferable. We are all dependent and require care for large parts of our lives and we are certainly left vulnerable by our social nature. The role of vulnerability for ethics and abortion debates is an essential factor for this dissertation. Tronto states that responsiveness and responsibility is not the same as reciprocity, instead it is ‘another method to understand vulnerability and inequality by understanding what has been expressed by those in the vulnerable position.’²⁶⁵ It is more than putting oneself in another’s shoes, and this particular point is taken up further in the section below on Phenomenology and Ethics.

Subjectivity is essential for ethical dialogue and understanding our identity as the context of one’s gender, class, ethnicity etc, are all important aspects to consider. As stated before, to many it seems that communal ties play a more substantial role in the experience of morality. The cultural

²⁶⁴ Throughout pregnancy and beyond some women feel that the foetus is wholly theirs and yet also separate, it is what Young calls a deep sense of doubling. As such pain is belonging both to the mother and the foetus and this feeling and experience remains, somewhat, to the mother-child relationship. Iris Marion Young, quoted in James Mumford, *Ethics at the Beginning of Life: A Phenomenological Critique*, Oxford, Oxford University Press, 2013, p.21. There are also studies to support the idea that some healthy individuals can feel both not just the emotional component of pain but also the sensory one, although this research has not been extended to new mothers or indeed to people who are more intimately related with each other. J Osborn and S Derbyshire, ‘Pain sensation evoked by observing injury in others,’ *Pain*, DOI:10.1016/j.pain, 2009.11.007.

²⁶⁵ Joan Tronto, ‘An Ethic of Care,’ in A. Cudd & R. Andreasen (eds.), *Feminist Theory: A philosophical Anthology*, Malden, Blackwell Publishing, 2005, pp.251-263.

constructions of men and women's moral identities have significant implications for the way in which they reflect on themselves as moral agents and in the way they are treated by others in abortion contexts. Abortion debates need to be removed from the realm of the abstract and the belief that philosophers would 'solve' the difficult abortion issue in an arena of rational and impartial thinking is, I believe, unfounded. The abortion dialogue is a dialogue centred on human relationships and as such we should 'respond' to the abortion issue, we cannot 'resolve' it! Feinberg writes that philosophy was deemed the setting for responding to the abortion dilemma because of the belief that philosophers would be able to avoid the bias that so regularly crept into the rhetoric.²⁶⁶ The belief that the abortion debate could be 'solved' implies that the dialogue can be steered towards some sort of consensus and this is clearly to misunderstand the role of relationships, and relationships in context, within abortion contexts. It is essential to attend to the contextual details of each individual abortion situation in order to safeguard and promote the actual specific interests of all those involved. Any approach that lacks these central concerns is impoverished and will lack the empathy and care espoused by the Care Ethics approach.

In order to care we must take it upon ourselves to care, because, as Gill says, care is fundamentally about doing and action and thus a very particular type of responsibility emerges from a focus on care. Responsibility is understood as embedded in a network of relationships. Shoemaker's conception of 'the moral community' and his focus on agents that are capable of moral address is illuminating here. He argued that our relationships help to define our agency and our responsibilities. Agency, for the care ethicist, is not criteria driven, and thus viewing the moral agent as either having capacities or failing to have them, but agency is seen as existing on a continuum and very much within the context of relationships.²⁶⁷ Carol Gilligan and Nel Noddings astutely reflect on how capacities and abilities do not develop as an individualised activity or process, but rather in relation with others.²⁶⁸ Our agency is defined by our relationships. The fostering of caring relations will help to ensure that we hold ourselves responsible to not just our nearest and dearest, but also to others within our wider circle of networks. We will consider how an ethic of care and Goodin's vulnerability ethic can spread more broadly to accommodate and respond to the lives of others in the preceding chapter. Goodin's approach encourages an open and inclusive rather than closed and exclusive circle; because the networks we find ourselves in should be viewed as open, we are therefore part of

²⁶⁶ Joel Feinberg (ed.), *The Problem of Abortion*, California, Wadsworth Publishing Company, 1984, p.1.

²⁶⁷ *ibid* 110.

²⁶⁸ Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education*, Berkeley: University of California Press, 1984.

this broader web of social relations. The more vulnerable and the more dependent others are to your actions, the greater your responsibility is.²⁶⁹

In terms of abortion debates, this vulnerability and responsibility theme reveals interesting areas to consider. Our call to care, and to the responsibility of care, through our relations with others brings the unborn and the infant sharply into focus. We do need to consider the developing human foetus gradually approaching human birth and the very particular relationship between the mother and the foetus. We cannot feel too comfortable, and spokespersons from Marie Stopes International share this view, about the rising number of women having repeat or multiple abortions or the fact that for some women abortion is being used as a contraceptive.²⁷⁰ However, it is no more acceptable that a woman may face shame, stigma and therefore often a very severe type of exclusion because their decision to have an abortion. We do need to take responsibility for the foetus, but the foetus resides within the mother; the mother is the human being and moral agent, at the centre of the abortion decision, and her emotional response, her relationships, her health needs and the unique contextual considerations surrounding this decision all need to be taken into consideration. As we will explore in the final chapter of this dissertation, **Chapter Five: Abortion Stigma and other Exclusions**, there are a range of subtle marginalisations and exclusions that can result due to an abortion decision and the unique moral community a woman finds herself in. We need to take responsibility for such exclusions and then we can refuse to enact such exclusions as part of our desire to build caring moral communities.

3.3 Phenomenology and Ethics

Care Ethics naturally lends itself to being considered alongside a phenomenological approach in that a person's own internal existence requires reflection. A phenomenological approach requires that we value relationships in a very particular sense in that we should learn about another person by listening to their descriptions of what their subjective world is like for them on the inside, together with an attempt to understand this in their own terms as fully as possible, free of our preconceptions and interferences. Noddings writes that our ability to empathise with others is the finest and most important quality to being human.²⁷¹ Empathy is fully fostered within the

²⁶⁹ Tove Pettersen, *Comprehending Care*, United Kingdom, Lexington Books, 2008, p.180.

²⁷⁰ <http://www.telegraph.co.uk/health/healthnews/9297552/Rise-in-women-having-repeated-abortion-official-figures.html>

²⁷¹ Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education*, Berkeley, University of California Press, 1984, p.8.

phenomenological approach which stresses that we need to continually examine and re-examine our biases and presuppositions. The approach seeks to find the fullest possible understanding, but it starts with the co-enquirer wanting to understand another person's world through experiences and social reality. In terms of abortion debates this approach can help to give some value to the father or partner within the pregnancy and abortion dialogue, as this is an area that ethicists and society need to navigate more effectively and as such seek to include his voice in the process of decision making. If we recall Shoemaker's reflections on empathy and emotional maturity, he argued that the psychopath was not a member of the moral community due to a lack of empathy, or at best a detached type of empathy which allowed them to seek enjoyment from the pain of victims as they would know how it feels on some level. . He writes about both this detached empathy, but also what he calls 'identification empathy,' something akin to the phenomenological idea of advocacy recognition and the idea of 'making them our own and defending them.'²⁷² Shoemaker writes that 'to engage in identifying empathy with you is for me to be emotionally vulnerable to the up-and down fortunes of the very objects to which you yourself are emotionally vulnerable.'²⁷³ I will speak more on this idea of our exposed and vulnerable nature in the next chapter, **Chapter Four: Vulnerability, Liveable Lives and Inclusivity.**

The phenomenological process of paying attention implies a process of communicating, and therefore there is a sort of fundamental existential and social quality to everything we experience. The phenomenologist sees that social reality is always composed of persons in society, people are always in some sense in a society, and are also always in a situation. As we have seen, the abortion debate is set amongst a variety of competing descriptions of the self and human life. Therefore, embracing a phenomenological approach to moral dilemmas is essential given these competing descriptions. How we describe something makes all the difference as to how we decide we are permitted to act. In a post-modern world we need to take account of these complex descriptions and the 'messy' nature of human life; many writers promoting a phenomenological approach would argue that certain strands of philosophy have failed to appreciate the reality of the human condition and human emergence.²⁷⁴

²⁷² Robert Spaemann, *Persons: The Difference Between 'Someone' and 'Something'*, Oxford, Oxford University Press, 2005m 183.

²⁷³ David Shoemaker, 'Responsibility, Agency and Cognitive Disability, in Eva Feder Kittay and Licia Carlson(eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010.

²⁷⁴ James Mumford, *Ethics at the Beginning of Life: A phenomenological critique*, Oxford, Oxford University Press, 2013.

I have already referenced the writings of Iris Marion Young and Robert Spaemann in this piece, two writers who support a phenomenological strand within moral philosophy. Young's work on pregnancy and embodiment develops the idea of the 'lived experience' within pregnancy rhetoric and this can offer important insights for our current and related discussion about abortion contexts. Young writes about the 'privileged relation' between the foetus and the pregnant female. The mother has a highly unique relationship the woman has to the foetus and her pregnant body.²⁷⁵ Human lives begin in the womb of another human being, we are all born of a mother, and yet these moral facts have been somewhat neglected from the abortion dialogue. Likewise Spaemann, a writer referenced in Chapter One, stressed the need to see more diversity within accounts of human nature and spoke of appreciating the healthy tension that needs to exist in any understanding of the self. The tension exists because one cannot so neatly place ideas about the self in one category opposed to another category; the human being is, I have argued, a layered entity. Spaemann developed Merleau-Ponty's view of being-in-the-world when he writes that we are 'subjects and objects at once.'

James Mumford puts forward a phenomenological approach to beginning of life ethics and argues that a phenomenological framework is essential if we are to allow for descriptions of worldly experiences and indeed entities, such as ourselves, to be richer and more importantly, accurate. Mumford would challenge the idea of their being a set moment at which a person appears and the decisive moment for personhood explored in Chapter One. A phenomenological viewpoint would not expect everything in the world, including ourselves, to just appear and indeed phenomenology has always been more attentive to the way things appear over time.²⁷⁶ We should recall Callahan's important point about descriptions of the self needing to grasp the life span and variance of capacities that a human being possesses over time. Phenomenology also attends to the varying questions surrounding our nature, as explored in my introduction, in that the approach does not just ask, 'what am I?' in a strictly material sense, but instead also asks, and this is highly relevant for abortion debates, 'where am I?' in terms of context. The abortion discussion is therefore also tied into the phenomenon of pregnancy and parenting and the parent-child relationship more broadly.

In a similar vein to writers supporting an ethic of care and also vulnerability ethics, an approach which will be explored in more detail in the next chapter, phenomenology would also embrace

²⁷⁵ Iris Marion Young, 'Pregnant Embodiment: Subjectivity and Alienation' in Iris Marion Young (ed.), *On Female Body Experience: Throwing Like a Girl and Other Essays*, Oxford, Oxford University Press, 2005, pp.46-61.

²⁷⁶ James Mumford, *Ethics at the Beginning of Life: A phenomenological critique*, Oxford, Oxford University Press, 2013, p.x.

the following ideas: that we are entirely dependent for large periods of our lives; that autonomy, and the role it has played in moral philosophy, is something of an illusion and that relationships are not contractual but rather they are founded on context and a heightened sense of emotion and inter subjectivity. Mumford challenges the model of the rational, autonomous being at the heart of moral philosophy. A phenomenological framework has much to offer ethical debate and, as Mumford writes, the abstract, lofty and orthodox nature of beginning of life ethics and enquiry fails ‘to do justice to the world;’²⁷⁷ it fails to situate the debate in context and within our social settings. He argues that the decision by philosophers to present our human reality as social or not simply cannot be optional – it is essential.²⁷⁸ He too sees the great irony in the fact that the model and definition of the rational, autonomous, thinking individual, developed as part of the liberal egalitarian backdrop, has, in fact, become a definition that has become a device, both explicitly and implicitly, for exclusion.²⁷⁹

Mumford argues that the foetus first appears in the world as a dependent, and likewise babies and young infants are vulnerable and dependent for long periods and given this powerlessness he views the viability argument for personhood as unfounded; viability simply tells us that a foetus might survive outside the womb, and it only does so with large amounts of care and medical support. This reinforces the role of the female and privileged role and relationship that Young explores. The child is dependent on the female entirely during pregnancy and after birth this care either continues, and it is an essential type of care, or the care giver becomes, if not her, another person such as the father, adoptive parents and/or medical practitioners.

The privileged status between the woman and the foetus is not to over emphasise the claims of the female at the expense of the foetus but rather, in my view at least, grasps the intricacies of the complex dynamic of relationships. Amy Mullin gets to the crux of this complexity when she writes, often those who are assumed the care givers, and those called upon to care, often become more vulnerable than the cared for in that their own needs become neglected or face being ignored.²⁸⁰ Mumford picks up this line of thinking when he distinguishes between the types of relationship a pregnancy might imply. A pregnancy could well be an attack on the woman’s health or life, and it could also be the start of a relationship. Now, whilst he sees that a pregnancy being unwanted is perhaps the least acceptable reason for an abortion he

²⁷⁷ *ibid* 102.

²⁷⁸ *ibid*.

²⁷⁹ *ibid*.p.153.

²⁸⁰ Amy Mullin, ‘Children, Vulnerability and Emotional Harm’, in Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy*, Oxford, Oxford University Press, 2014, p.267.

acknowledges that an attack and a relationship may take many forms. He views pregnancy as the opportunity for encounter, a similar idea to Gomberg's morality of nurturance and the opportunity for nurture. Mullin's point about the threat of dependency relationships however is essential and a dangerous pregnancy may take many forms. The woman who has a cancerous uterus or a pregnancy in her fallopian tube is certainly at risk but so too is the depressed woman, a woman who has been raped, a woman fleeing an abusive relationship, a woman who simply cannot for a plethora of complex reasons take on pregnancy but more accurately motherhood.

Mumford's phenomenological framework to beginning of life ethics centres on the belief that we enter life as weak, vulnerable, dependent and 'in encounter' and this is the reality of human life, this is the context of human life - these are the moral facts.

3.4 A Feminist Ethics of Care?

By proposing an ethic of care and phenomenological framework for the abortion debate is not, I believe, to forward a solely female perspective when considering the ethical considerations surrounding the abortion debate. Gilligan and others²⁸¹ have generated a general account of feminine identity which could be criticised as being 'essentialist' and as elevating the sacred mother²⁸² metaphor as a defining experience for women. I do however acknowledge Held's point about respecting the feminist tradition from which the Care Ethics theory emerged; it is, she writes, 'a theory of feminist progress.'²⁸³ However, there are also other important contributions to the discussion about care within ethics and society that add further dimensions to the discourse as we have seen in Gill's writings on caring moral communities. Whilst the female voice is central to the abortion dilemma, I wish to use an ethic of care framework in order to consider a wide and varied range of social and cultural communities and moral identities. It is an approach that will build from the lived experience of individuals in connection. An ethic of care approach values caring and interpersonal relationships – full and varied types of relationships must be acknowledged and valued. Care Ethics, like Communitarian Ethics, stresses the interdependence of human beings and thus takes relationships seriously, especially relationships within the family and a range of communities if developed effectively. The importance of taking

²⁸¹ Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development*, Cambridge, Mass., Harvard University Press, 1993; Nancy Chodorow, *The Reproduction of Mothering*, Berkeley, University of California Press, 1999 and Nancy C. M. Harstock, *Money, Sex and Power: Towards a Historical Materialism*, Boston, Northeastern University Press, 1983.

²⁸² Jacqueline Davies is quoted in Amy Mullin, *Reconceiving Pregnancy and Childcare: Ethics, Experience, and Reproductive Labour*, Cambridge Studies in Philosophy and Public Policy, Cambridge, Cambridge University Press, 2005, p.3.

²⁸³ Virginia Held, 'The Ethics of Care,' in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, p.554.

relationships seriously cannot be underestimated, in that relationships are essential to agency and our moral lives. The cultural constructions of male and female moral identities have significant implications for the way in which they reflect on themselves as moral agents and in the way they are treated by others in abortion contexts. The idea of relationships in context has to take account of both the experiences of both men and women.

Gilligan's 'abortion decision study' involved interviewing only women about their decision and this suggested and reinforced the generally held belief that abortion is typically a female dilemma. Whilst this is predominantly the case, abortion is situated amongst other related ideas and facts about the body, reproduction and pregnancy and a whole of factors relating to our emotions, sexual behaviours, parenting and also gender and cultural constructions relating to these ideas.²⁸⁴ If abortion, and Care Ethics, is also truly about human relationships, as Gilligan has suggested, then much of the issue surrounds the very particular relationship that the woman is in at that time. As Ruth Chadwick astutely reflects, an essential part of the story of reproduction, pregnancy and abortion, is the decision to have a child with someone, or not in many cases. This is echoed, in part, Gomberg's morality of nurturance and the decision to nurture or not nurture.²⁸⁵ Surely such a decision is rooted, often, in the particular relationship someone considering an abortion finds themselves in. Care Ethics considers the full range of possible relationships, both intimate or within the wider community, but the approach also considers the context of a particular relationship and this is essential.

As stated above, Gilligan speaks of the importance of 'mature care'²⁸⁶ which sees that authentic living requires there to be some moral equality between caring for the self and caring for others. In terms of abortion debates an ethic of care could add some complications in that this approach could perhaps reduce the ethical decision to that of deciding whether to nurture or not nurture, and given the value placed on the sentiment of care and nurture it may appear as if care ethics would foster an opportunity for this type of experience. However, if we consider abortion in terms of Gilligan's mature care, we should be reminded of the reality that you cannot do anything to the foetus without doing something to the mother and as such her lived experience, feelings, emotions and contextual settings are of paramount importance.

²⁸⁴ Rosalind Hursthouse, 'Virtue Theory and Abortion,' in Hugh LaFollette (ed.). *Ethics in Practice*, Oxford, Oxford University Press, 2003, pp.94-102.

²⁸⁵ Paul Gomberg, 'Abortion and the Morality of Nurturance', *Canadian Journal of Philosophy*, Vol. 21, No. 4, 1990.

²⁸⁶ Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development*, Cambridge, Mass., Harvard University Press, 1993.

Tove Petterson takes up this strand in Care Ethics when she develops Gilligan's mature care and says that co-feeling is essential for ethical dialogue.²⁸⁷ Co-feeling is the seeking to understand the full complexity of the other person's situation. To return to the woman within the abortion dialogue, we ought to ask ourselves how we would respond to a woman who does not want a child. The care ethicist would stress understanding, support and guidance - there is no room for chastising and prescribing set behaviours. We are not the knowing agent that knows best; care would involve participating and engaging in that person's feelings and that person's life project and subjective and lived experiences. Petterson steers away from a solely feminist ethic and I am in full support of such a move, as it is essential to consider the situation and complexities facing men in society today, as Gilligan has since gone on to write about. Care needs to be appreciated and fostered by both boys and girls and men and women. Abortion is not a 'typical' or solely female dilemma because abortion is a connected and complex choice, and whilst the woman's role is undoubtedly unique, there are still important factors related to masculine identity and parenting needing to be considered. Reproductive narratives and technological developments have transformed attitudes towards men and women and their roles and value in society and it is imperative that we reflect fully on these affects.²⁸⁸

The feminist narrative, however, is strong within care ethics in that it espouses nothing objective or devoid of the cultural. It is the cultural and contextual, 'not abstract rules or rational calculation of individual unities'²⁸⁹ that drives the approach. As Jean Keller writes, the feminist insight that the moral agent is an encumbered self who is always embedded in relations with flesh and blood others and is partly constituted by these relations is here to stay.²⁹⁰ Revising certain traditional stronghold ethical systems to make more of the female experience is essential, but I think we need to speak of both male and female experiences within the abortion debate and as Hursthouse notes, it is a debate that is interlocking with other debates; abortion dilemmas are often intimately linked to reflections on our particular relationships, gender roles, pregnancy, parenting, and health to highlight just a few areas.

²⁸⁷ Tove Pettersen, *Comprehending Care*, United Kingdom, Lexington Books, 2008, p.23.

²⁸⁸ Ruth Chadwick (ed.), *Ethics, Reproduction and Genetic Control*, London, Routledge, 1992, p.xii.

²⁸⁹ Virginia Held, 'The Ethics of Care,' in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, p.555.

²⁹⁰ Jean Keller, 'Autonomy, Relationality and Feminist Ethics', *Hypatia*, 12, 2, pp.152-165.

3.5 Care Ethics, Phenomenology and Application

A care based approach has commonly been misunderstood as a framework that would attend to women's issues and it was seen as an ethical approach that belonged and attended to the realm of the private. However, Care Ethics can of course have important implications for our social, political and economic lives. I believe that it can offer the most fruitful framework for addressing the abortion dialogue given that the theory focuses so sharply on relationships, paying attention, responsibility and contextual settings. Attentiveness can reveal that all pockets and domains of society need transforming not just the public setting. The household could be seen as an intimate moral community and as such this moral community spills over and is interrelated with a larger scale public setting in part.²⁹¹ And yet, Care Ethics is not just a type of 'family ethics,' and an approach that helps address behind the scenes day-to-day dilemmas, care is relevant to all areas of life and human life in the broadest social sense.

Care Ethics can have important implications for ethical and political reflections, for example on the morality of war and achieving peace. Sarah Ruddick develops this implication for Care Ethics and her writings and the work of Butler on non-violence are picked up in the in the next chapter, **Chapter Four: Vulnerability, Liveable Human Live and Inclusivity**. It is often economic, not humanitarian, factors in relation to war that dominate governmental and foreign policy. Held writes 'instead of abandoning culture to the dictates of the market place, we should make it possible for culture to develop in ways best able to enlighten and enrich human life.'²⁹² Society is often dominated by greed, violence and conflict, not care, charity and empathy, and as we reflected upon above, moral communities are often violent places to be fled, not caring beacons of nourishment. Noddings believes that caring and the related activity of showing empathy is the highest moral attribute. She also laments that care is not the primary consideration in society, far from it and in fact caring activities and skills are hugely undervalued in the workplace, and yet it could be a central consideration with caring skills fostered. Care, if a primary consideration for society, would elevate education for all, the raising of children, the caring for the elderly, peace, the fostering of liveable lives (as will be explored in the next chapter), non-violence and would see a radically restructured society.²⁹³ Tronto argues that care and meeting the needs of others is the highest social good.²⁹⁴

²⁹¹ Again, and as referenced in Chapter One, ideas about man as socialised being stem from Aristotelian writings. In Book 1 of Aristotle's *Politics* the $\sigma\upsilon\lambda\lambda\alpha\chi\eta$, household, is seen as a societal building block, a moral hub, although his view is heavily patriarchal.

²⁹² Virginia Held, 'The Ethics of Care,' in D.Copp (ed.), *The Oxford Handbook of Ethical Thinking*, Oxford, Oxford University Press, 2006, p.555.

²⁹³ *ibid.*

Caring for the vulnerable in terms of the abortion debate is often screamed about, as Dworkin reflects, opposed to being acted out! Care is uncomfortable and complex but it is clear that the woman at the centre of the abortion dilemma requires care and consideration.

²⁹⁴ Joan Tronto, 'An Ethic of Care,' in A. Cudd & R. Andreasen (eds.), *Feminist Theory: A Philosophical Anthology*, Malden, Blackwell Publishing, 2005, pp.251-263.

Chapter Four: Vulnerability, Liveable Human Lives and Inclusivity

4.1. The concept of vulnerability

The word ‘vulnerability’ has its roots in the Latin *vulnerare*, ‘to wound’²⁹⁵ or to harm. Daniel Callahan argues that human beings are intrinsically vulnerable and, therefore, it is an essential concept for navigating central dilemmas within bioethics.²⁹⁶ Vulnerability as an idea is having a huge amount of attention within popular writing through the work of research professor and writer Brené Brown and her writings on the power of vulnerability.²⁹⁷ Much of her thinking on vulnerability resembles the ethic of care approach, in that vulnerability is relational and best understood through the idea of connection; connection, she stresses, is why we are all here.²⁹⁸ Being born vulnerable, or to be vulnerable, is our nature and our purpose and this connection is to share in other people’s feelings, or stories as Kahneman suggests, and respond with care and kindness. She is therefore adopting a message of relational power and connection. Brown pulled this central message from a decade involved in social work, but it is not just in this particular field that the idea of vulnerability so strongly resonates. The vulnerability concept, and the notion of protecting the vulnerable, remains an area of focus for bioethics and ethics within the nursing profession in particular. Ruth Macklin views a focus on vulnerability in bioethics as essential, because the vulnerable are fundamentally exposed to exploitation and exclusion and this is morally unacceptable.²⁹⁹ The moral patient – moral agent dichotomy, therefore, needs to be recast with an understanding of vulnerability, vulnerability as a great equaliser, and a relational power with others not power over others.

As with so many other areas explored within this dissertation, the concept of the person as an individual and autonomous unit is embedded unhelpfully here too! Often those writing about the concept of vulnerability have done so ‘through the lens of individualism.’³⁰⁰ As Laura Tomme writes, when considering the centrality of the concept of vulnerability for nursing ethics the idea of vulnerability is considered from an ‘epidemiological perspective....that is the patient is

²⁹⁵ <http://www.thefreedictionary.com/vulnerability>

²⁹⁶ Daniel Callahan, ‘The Vulnerability of the Human Condition,’ in Peter Kemp, Jacob Rendtorff, and Niels Mattsson Johansen (eds.) *Bioethics and Biolan*, Copenhagen: Rhodos International Science and Art Publishers, 2000, pp.115-22.

²⁹⁷ Brené Brown, *Daring Greatly: How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent, and Lead*, London, Penguin, 2013.

²⁹⁸ http://www.ted.com/talks/brene_brown_on_vulnerability, (3 minutes 12 seconds)

²⁹⁹ Ruth Macklin, ‘Bioethics, Vulnerability, and Protection’, *Bioethics* 17, 5-6, October, 2003, pp. 472-86.

³⁰⁰ <http://www.biomedcentral.com/1472-6955/11/5>

examined for causative agents that underlie health issues...the concept of environment is not analysed as social landscape.’³⁰¹ In short, conceptualisations of vulnerability have emerged from an individualistic perspective and have tended to focus on the characteristics of those individuals. How social, economic and political factors intersect and shape people’s ability to be healthy and also impact upon their vulnerability has been considerably neglected. Vulnerability needs to be viewed as situational within health care.³⁰²

In Christian Ethics references to the innocent and the vulnerable abound. The Christian tradition understands human life as a gift and that we should do all we can to treasure and preserve it. Jesus’ message focussed on the weak and the vulnerable in the community and, as Helmut Thielicke writes, ‘even the most pitiful life retains its dignity’³⁰³ and incalculable worth. Weak, vulnerable and oppressed groups should always be valued and drawn into our moral communities. Vulnerability has also been present in the work of theologian Jonathan Wyn Shofer, who considers vulnerability from a Jewish rabbinic perspective and stresses the need to embrace our frailties and vulnerabilities rather than reject and deny them. Rabbi Bradley Arston has even made a case for God’s divine vulnerability; God is the ultimate example of vulnerability and, therefore, rejects the idea of God Almighty.³⁰⁴ Shofer reflects on how the Jewish narrative and history is one that grasps vulnerability in that it has been a history of exclusion, expulsion and risk. Delfour and Hubert and the Jewish sociologist Judith Butler also explore the terms associated with vulnerability, such as victimization, marginalisation, insecurity and risk.³⁰⁵ Blacksher and Stone note that, until recently, bioethics largely has overlooked vulnerable groups. The term ‘vulnerable populations’ has its detractors, but the term also captures a significant aspect of marginalized groups.³⁰⁶

Butler, like Brown, writes about living with and accepting our vulnerability, as opposed to transferring it from oneself to another. Whilst certain writers are encouraging us to embrace our vulnerability, others have written about the dangers of labelling people and groups as people as

³⁰¹ *ibid.*

³⁰² Ada Rogers, ‘Vulnerability, Health and Health Care,’ *Journal of Advanced Nursing*, 26, July 1997, pp.65-72.

³⁰³ Helmut Thielicke, ‘The Doctor as Judge of Who Shall Live and Who Shall Die,’ in Kenneth Vaux (ed.), *Who Shall Live? Medicine, Technology, Ethics*, Philadelphia, Fortress Press, 1970, p.186.

³⁰⁴ <http://ziegler.aju.edu/Default.aspx?id=8265>; <http://www.jesusjazzbuddhism.org/god-almighty-no-way.html>

³⁰⁵ F Delfour and M Hubert, ‘Revisiting the concept of ‘vulnerability,’ *Social Science and Medicine*, June, 2000, 50, 11, 1557-70.

³⁰⁶ Erika Blacksher and John R Stone (eds.), ‘Introduction to “Vulnerability” Issues of Theoretical Medicine and Bioethics,’ *Theoretical Medicine and Bioethics*, 23, 6, 2002, pp. , 421-24.

vulnerable in that it runs the risk of viewing them as ‘different’ or alien and worthy of pity.³⁰⁷ Butler, however, argues that our fundamental vulnerability, and the extent to which we are all given over to one another from the start, forms the basis of our responsibility to respond ethically to one another. This ethical responsibility arises due to our common vulnerability or our ‘corporeal vulnerability.’ We are vulnerable because of our embodiment and our needs and vulnerability springs from our material and bodily nature. Our vulnerability, for Butler, is part of our moral agency. She stresses that our vulnerability is linked to our bodily and social nature and this nature leaves us exposed to violence. She writes: ‘the body implies morality, vulnerability and agency: the skin and the flesh expose us to the gaze of others, but also to touch, and to violence.’³⁰⁸ Certain members of our moral communities are therefore more exposed and at risk because some human beings and bodies are ‘constituted politically in part by virtue of the social vulnerability of bodies.’³⁰⁹

Human beings are, as Callahan observes, essentially vulnerable and this vulnerability emerges due to human sociality. Likewise, Robert Goodin’s vulnerability principle is a relational notion and he, like Butler, focuses on the vulnerable ‘Other’ who deserves our attention. Butler, Goodin and other writers proposing an ethic of care all espouse the belief that moral agency, and also our responsibilities, is intimately linked to our relationships - relationships characterized by dependency and vulnerability. For Goodin, ethics is about protecting the vulnerable. The care ethicist Noddings, has also written about vulnerable groups, such as the homeless, and she sees vulnerability as an essential concept when linking an ethic of care with social policy.³¹⁰ What follows is a more detailed look into Butler and Goodin’s conceptualisation of vulnerability and how this might play out in terms of the abortion dialogue.

4.2 Robert Goodin’s Relational notion of Vulnerability

Robert Goodin, in his book *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*, argues that our vulnerability and the vulnerability of others form the very basis of our special relations between our nearest and dearest but also our wider circles and networks. In a similar vein to

³⁰⁷ Marion Danis and Donald Patrick, ‘Health, Policy, Vulnerability, and Vulnerable Populations,’ in Marion Danis, Carolyn Clancy, and Larry R. Churchill (eds.) *Ethical Dimensions of Health Policy*, New York, Oxford University Press, 2002, pp. 310-34.

³⁰⁸ Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso Books, 2004, p.29.

³⁰⁹ *ibid.* p.20.

³¹⁰ Nel Noddings in Erika Blacksher and John R Stone (eds.), ‘Introduction to "Vulnerability" Issues of Theoretical Medicine and Bioethics,’ *Theoretical Medicine and Bioethics*, 23, 6, 2002.

Butler and those writers promoting an ethic of care, Goodin views human beings as embedded and interrelated due to our common vulnerability and the fact that we are all dependent. He argues that, if anything unites the human being, it is the principle of vulnerability, ‘what is crucial is that people depend on us.’³¹¹ Goodin’s theory closely resembles the ethics of care approach in that vulnerability is relational and in opposition to stronghold consequentialist and deontological ethical theories which view moral agents as independent, individual and autonomous units. An ethic of care, however, ‘conceptualises persons as deeply affected by and involved in relationships with others.’³¹² Unlike a consequentialist and deontological view of the person, agents are not always free and equal and thus an ethic of care acknowledges the care between persons of unequal status and power and they are often in relationships that are not chosen, for example, within certain social and cultural groups and more specifically between parent and child.

When considering our moral responsibilities towards others what really matters, is that others are depending on us. They are particularly vulnerable to our actions and choices. That, I argue, is the true source of all the standard special responsibilities that we so readily acknowledge. The same considerations of vulnerability that make our obligations to our families, friends, clients and compatriots especially strong can also give rise to similar responsibilities toward a much larger group of people who stand in none of the standard relationships to us.³¹³ For Goodin, charity may begin at home, but it does not stop there,³¹⁴ and whilst, we of course acknowledge the special responsibility we feel towards our family and friends, we must also acknowledge our broader social responsibilities to the vulnerable in society at large. We have a duty to prevent harm – and this harm can take on a psychological and emotional nature, as a physical one. This duty to prevent harm and nurture health is therefore seen in the social and cultural sense that Tomme and Ada Rogers advocate. As David Thomasma writes: ‘The principle of vulnerability can be stated this way: In human relations generally, if there are inequities of power, knowledge, or material means, the obligation is upon the stronger to respect and protect the vulnerability of the other, and not to exploit the less advantaged.’³¹⁵ In a similar vein to Goodin, Thomasma is arguing that we have a special commitment to the vulnerable and the sick, and these groups

³¹¹ Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*, Chicago, University of Chicago Press, 1985.

³¹² Virginia Held, *The Ethics of Care: Personal, Political, Global*, Oxford, Oxford University Press, 2006, p.46.

³¹³ Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*, Chicago, University of Chicago Press, 1985, p.11.

³¹⁴ *ibid.* p.121.

³¹⁵ David Thomasma, ‘The Vulnerability of the Sick,’ *Bioethics Forum*, 16, 2, Summer 2000, pp.5-12.

require special protection therefore, and our care and response to the vulnerable should be steering our healthcare goals and commitments. Both Goodin and Thomasma argue that it is our vulnerability that informs and creates our responsibility and our duty to care, not social contracts.

In terms of the abortion debate, Goodin would endorse a focus on the emotions and feelings generated by the dilemma. Some of the most important vulnerabilities are those associated with feelings and emotions and given that for Goodin vulnerability is relative, he sees it as natural that we favour those close to us. Our vulnerability is therefore tied to our social nature because we are emotionally and psychologically vulnerable to others. Goodin references Gilligan's work and her abortion study project in his book and he acknowledges that within abortion contexts, emotional considerations are often 'the heaviest considerations bearing on the minds of women presented with abortion decisions.'³¹⁶ Therefore, the relational element means that the woman's vulnerability needs and deserves our full attention. Again, the writings of certain theologians have been highly informative for this dissertation, and how one attends to the self within a framework of vulnerability has been picked up by Catherine Keller in her writings about the embodied life. In a similar vein to Gilligan's mature care, Keller refers to the relational self, the idea that we are kind to ourselves as well as others. Keller's feminist position further develops the idea of relational personhood, an idea she refers to as entanglement,³¹⁷ and a relationality form intimacy to infinity. For Keller humans are bound to their social contexts and live by intersection and in interdependence.

It is clear from Gilligan's survey that women grappled considerably with their contextual setting, their existing relationships and their feelings when making their decision to have an abortion. Women felt a great sense of guilt, often, for even contemplating their own needs. But to contemplate one's own needs is to understand that people, and their situations, deserve our attention and response. Care for others springboards from a care for oneself and this is what Keller, Brown and Gilligan would see as a healthy vulnerability, an ability to balance concerns for self and other. In terms of considering existing relationships, this may take the form of a mother who already has children and simply feels unable to raise another child due to a range of factors including economic, health and emotional considerations. A woman's relationship with the foetus may feel remote, or even completely void, in terms of other commitments that may be

³¹⁶ Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*, Chicago, University of Chicago Press, 1985, p.120.

³¹⁷ Keller, C., 2012. 'The Entangled Cosmos: an Experiment in Physical Theopoetics', *Journal of Cosmology*, vol. 20. pp. 8648-8666.

pressing. Many women do not feel attached to their pregnancy in the early stages and some may even view pregnancy as parasitic and unwanted, or as an attack as Mumford explored, rather than fulfilling. There are many pregnancies that pose considerable physical and social health risks for women. A woman's relationship with the father, or indeed lack of one, may be one of her most pressing concerns. For many women, a pregnancy is ideally fostered within a very particular type of relationship where the partner's support makes continuing with a pregnancy a viable option viable, without this support it may be untenable. As Chadwick writes, much of the story of procreation is about the desire to have a child with a very particular 'other' and this point is often forgotten within the rhetoric. The other side of this narrative is how we respond and feel about the woman who aborts a foetus with scant regard for her supportive partner who is desperate for parenthood or indeed the woman who continues a pregnancy and demands support from the father who feels completely unable to take on the responsibility of fatherhood. I am still overwhelmingly in support of Gibson and Young's salient point about the reality of the foetus being inside the mother, and the fact that we cannot do anything to the foetus without doing something to the woman, however, the father's voice needs more attention within the debate. We cannot claim to take relationships seriously within ethical dilemmas if we only listen to some voices and not others, and here health care professionals can import a more situational support as Tomme and Rogers suggest.

The thrust of this dissertation has been focussed on trying to forward an idea of open and inclusive moral communities, communities where caring attitudes are fostered. A difficulty emerges when we consider the foetus within Goodin's framework, in that the foetus is entirely dependent on the mother for survival, the 'child' is in the weaker position and so there is undoubtedly a responsibility to respond. However, our responsibilities and the call to respond emerges from our relationships and it is not a given, as so many writing within the pro-life camp assume, that the foetus is the only vulnerable party. The foetus, or embryo, may feel so remote to the woman that the accepting of her pregnancy is not something she feels or considers, and as Sherwin and Reiley Maguire have suggested, the foetus is only a person when accepted by the mother. I would suggest that many women do in fact feel able to accept their pregnancy and acknowledge that the foetus is a developing human being, but they also feel that there are other important considerations and factors to consider. Many women and couples may feel unable to take on the demands of parenting, which assumes that they have thought about what good parenting entails and hence they are concerned that they, and their situation, means they fall short.

Some Doctors who perform late abortions have suggested that, despite arguments to the contrary, they feel they are doing the act for the good of the child. In the Channel 4 Documentary *My Foetus*, Doctor John Parsons of Kings College Hospital London is interviewed about his reasons for performing abortions up to the 24 week limit. He feels that both the mother and the infant need his care. He says he often performs late abortions for the infant. He feels when he is faced with a woman at a very late stage of their pregnancy requiring an abortion then she has often had a long time to think about the decision and the reality is that if she he doesn't perform the abortion then woman will undoubtedly seek other options such as going abroad to have an even later abortion or pursuing dangerous abortifacient methods.³¹⁸ As discussed in the previous chapter, the mother may feel that her pregnancy is something of an attack and something that puts enormous pressure on her. As Amy Mullin has stressed, the burdens of dependency should not be forgotten.

An open moral community may well need to keep alert to the developing foetus approaching birth, but more importantly we need to consider the subtle ways we include and exclude people, such as women in the abortion context. Such marginalisations are explored in the next chapter, **Chapter Five: Abortion Stigma and Other Exclusions.** As Delfor and Hubert have stressed, vulnerability is intimately related to marginalisations in society. Being vulnerable means one is at risk of being harmed, both physically and psychologically and emotionally and as Butler explores, women are often more susceptible to harm. Our social nature leaves us vulnerable and exposed to exclusion and as Mackenzie, Rogers and Dodds write: as socio-political beings, we are vulnerable to exploitation, manipulation, oppression, political violence and rights abuses.³¹⁹

4.3 Judith Butler's understanding of Vulnerability and her Liveable and Unliveable Lives

Butler's work *Precarious Lives*, on mourning after the 9/11 tragedy, asks us to consider which lives we consider 'grievable.' She calls upon us to widen our ethical focus to realise that we are all related and connected to one another. 'It is not as if an 'I' exists independently over here and then simply loses a 'you' over there, especially if the attachment to 'you' is part of what *composes* who 'I' am.'³²⁰ In her *Giving an Account of Oneself* she asks: 'And is the relationality that conditions

³¹⁸ *My Foetus* documentary screened on Channel 4 on April 20th, 2004.

³¹⁹ Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy*, Oxford, Oxford University Press, 2014, p1.

³²⁰ Judith Butler, *Precarious Life: The Power of Mourning and Violence*, London, Verso Books, 2004, p. 22.

and blinds this 'self' not, precisely, an indispensable resource for ethics?³²¹ This tie is bound up with our intrinsic vulnerability.

Vulnerability reveals very generally a susceptibility to being harmed. Butler's argues that all human beings share this susceptibility because we are embodied and because our bodies are social in nature. Our bodies exist in the world and are susceptible to injury and exclusion. Her reflections on the ethics of vulnerability reveal that it is often women who are the most vulnerable, and therefore marginalised, members of our societies and moral communities. Butler, like many writers promoting an ethic of care, speaks of human beings as dependent and embedded in society. Our dependence exists in part because the 'I' is dependent on the 'Other',³²² but because from the very start we are entirely dependent in terms of our survival. She writes that our dependency 'incurs and sustains some of its most important ethical bonds.'³²³

This particular ethical bond has implications and for Butler's an ethic of vulnerability implies an ethic of non-violence. Violence is a violation of these bonds of existence and violence destroys not only our bodies but also the trust that emerges from our dependency. As discussed above, there has been concern from some writers that the labelling of some groups as vulnerable is damaging for that groups moral status, however, Butler is more concerned about the alarming ethical implications of not recognising some groups as vulnerable and therefore requiring protection. Such groups would often include women and sexual and ethnic minorities. As Agrawal³²⁴ and Gnanadson stress, it is women and their children who have been, and remain, the most vulnerable members of their own communities.³²⁵ The effects of poverty and gender inequality are often linked to the body of a woman: the ways in which policy makers' attempts to control women's bodies politically and culturally serve to preserve their highly vulnerable positions in society.³²⁶ As will be explored further in the next chapter, **Chapter Five: Abortion Stigma and Further Exclusions**, certain groups face exclusion because of their bodily nature and the prohibited nature of their sexual relations and bodily relations.

³²¹ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.40.

³²² Judith Butler, *Precarious Life: The Powers of Mourning and Violence*, London, Verso, 2004, p.20.

³²³ *ibid.*

³²⁴ Bina Agrawal, 'The Gender and Environment Debate: Lessons from India', *Vachy Study Circle Readings*, no.16, SETV Centre for Social Knowledge and Action, 1992, pp.131-35.

³²⁵ <http://www.theglobaljusticenetwork.org/>

³²⁶ The Global Justice Network cites issues relating to mandatory breastfeeding laws and population control measures. Edward Shorter, *Women's Bodies: A Social History of Women's Encounter with Health, Ill-Health, and Medicine*, New York, Basic Books, 1982.

For Butler, there is the stark recognition that some societies construct bodies that ‘do not matter’ and they are not recognised as being human (having lives that are worthy of protection) and so not all lives are seen to be liveable lives. The domain of liveable lives thus constructs the realms of unliveable lives. Those lives that are not afforded respect or the right to live according to one’s own way of being. Thus Butler emphasises the importance of considering: ‘...what humans require in order to maintain and reproduce the conditions of their own liveability, and what are our politics such that we are, in whatever way possible, both conceptualizing the possibility of the liveable life and arranging for its institutional support.’³²⁷ In practice this demands that we seek to build moral communities and societies that are fully inclusive, as consideration must also be given to how society can provide the space and support for different forms of ‘liveable lives’ to develop and be recognised.

Vulnerability is what is common to the human being and Butler stresses that all human bodies are social and exposed to varying degrees of violence: ‘the body implies morality, vulnerability and agency: the skin and the flesh expose us to the gaze of others, but also to touch and violence.’³²⁸ We are united by this exposure, but we are left vulnerable due to the fact that we are social in nature. Our social nature and certain social, cultural and political conditions need to be constantly reflected upon given that our ‘vulnerability becomes highly exacerbated under certain social conditions.’³²⁹ Certain human lives are certainly excluded according to Butler in that she recognises that whose lives matter depend on certain social and cultural norms and certain human bodies are not recognised as being human or as having lives worthy of protection and nurturing. Thus she questions: ‘Who counts as human? Whose lives count as lives?’ Butler reminds us of the uniting truth of violence and vulnerability and that we are all bound together because of this. She writes that the human condition of interdependence and vulnerability should be the very basis of reimagining – instead of destroying – the possibility of community.³³⁰

Vulnerability is the most important aspect of our humanity and our ethical responses therefore; the general state of fragility and physical vulnerability that humans live in should be the basis for ethical considerations.³³¹

³²⁷ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.20.

³²⁸ Judith Butler, *Precarious Life: The Powers of Mourning and Violence*, London, Verso, 2004, p.20.

³²⁹ Judith Butler, *Giving an Account of Oneself*, Abingdon, Oxfordshire, Routledge, 2005, p.20.

³³⁰ Judith Butler, *The Powers of Mourning and Violence*, London, Verso, 2004, p.20.

³³¹ http://www.believmag.com/issues/200305/?read=interview_butler

4.4 Vulnerability, Liveable Lives and Implications for Abortion Debates

‘Human life is conditioned by vulnerability.’³³² The bodily and social nature of human beings leaves us exposed. Certain groups, often women, are more vulnerable to exclusion. As will be explored in the next chapter, young females in certain cultures are facing the double complication of concealing an abortion, but also therefore, a sexual relationship. Sexual activity, and specifically female sexuality, is often at the heart of abortion stigma, a dangerous exclusion that can result from certain moral communities, and an area of research that needs to be drawn into the abortion rhetoric. There is a range of power dynamics within abortion dilemmas and these are part of the labelling of females that forms part of the stigma and marginalisations that can occur because of their decision to have an abortion. Abortion stigma is a social phenomenon that results at community level and due to our social nature. The impact of abortion on women, their partners, families, communities, societies differs drastically depending on cultural setting. Stigma and status loss emerge at community level and within our moral communities and this phenomenon is ‘a moral issue....that threatens what really matters’; what matters is our membership and inclusion within a moral community as we can only flourish if our social relations and settings allow for this.

³³² Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy*, Oxford, Oxford University Press, 2014, p1.

Chapter Five: Abortion Stigma and Other Exclusions

5.1 Abortion Experiences

The research reveals that abortion experiences vary dramatically,³³³ as does the language of abortion, pregnancy and parenting. Each human being is set within a unique social moral community where their individual challenges and considerations vary enormously. I have recommended that we approach the notion of moral community from the point of view that there are, and we may belong to, many moral communities. I have argued that it is crucial that we understand the ethical consequences of choosing to see someone as being either a member or not a member of the moral community and as Kittay argues, there are a range of morally repugnant current moral exclusions. This has, I believe, considerable bearing on abortion debates, given studies into abortion stigma.

Bruce. G. Link and Jo. C. Phelan³³⁴ have investigated the way that stigma can be produced and reproduced at community and society level and how this process manifests in practice. In the first stage of the process differences between human beings are labelled. This then forms the springboard for further exclusions, as the labelling then leads to a secondary stage where dominant cultural beliefs link these now labelled persons to highly unattractive and disadvantageous characteristics, and thus detrimental stereotypes emerge. What then follows is the creation of the ‘us-and-them’ culture referred to already in this investigation, in that these labelled persons are effectively replaced within a separate category outside of the in-group and their moral community. This then leads to practical exclusions, given that the person will feel this status loss, but they will also face ‘real’ and unequal outcomes, and discrimination necessarily follows.³³⁵ This loss of status within a social network is ‘fundamentally a moral issue in which stigmatised conditions threaten what really matters.’³³⁶ What matters, of course, is a ‘liveable life’ and space within one’s moral community.

³³³ World Health Organization. 2007. Unsafe abortion: Global and regional estimates of the incidence of unsafe abortion and associated mortality in 2003. 5th ed. Geneva, Switzerland: World Health Organization and World Health Organization. 2003. Safe abortion: Technical and policy guidance for health systems. Geneva, Switzerland: World Health Organization.

³³⁴ B Link and J.C. Phelan, ‘Conceptualizing stigma,’ *Annual Review of Sociology*, 27, 2001, pp.363–85.

³³⁵ Bashour, H., R. Hafez, and A. Abdulsalam. 2005. Syrian women’s perceptions and experiences of ultrasound screening in pregnancy: Implications for antenatal policy. *Reproductive Health Matters*, 13, no. 25, pp.147–54.

³³⁶ Yang, L.H., A. Kleinman, B.G. Link, J.C. Phelan, S. Lee, and B. Good. 2007. Culture and stigma: Adding moral Experience to stigma theory. *Social Science and Medicine* 64, pp.1524–35.

We cannot universalise the feelings, emotions and behaviours relating to abortion and the type of abortion stigma and exclusions a woman may experience. As Kaposy stressed, the moral worldviews in which abortions take place are incommensurable,³³⁷ and so, the controversies and complexities surrounding abortions will vary. It can often appear when reading certain abortion literature that the central issue revolves around the beginning of life, foetal viability, foetal pain and reproductive physiology in general. However there are also many other areas to be navigated for example the issue surrounding who is the decision maker (woman, partner, family, or health professional) as well as policies related to abortion and also some of the social, cultural and political trends explored in part in this dissertation. Abortion stigma is a type of exclusion in that it is a negative attribute ascribed to women who seek to terminate a pregnancy. The stigma and the feelings of exclusion that result mark these women and they are perceived to demonstrate inferior ideals of motherhood and parenting.

5.2 The Language of Pregnancy and Motherhood

Definitions of womanhood and motherhood will vary depending on local cultures and histories. A woman who seeks an abortion may well be inadvertently challenging widely held assumptions about the essential nature of women. This essentialist language, and indeed biological and metaphysical essentialism, has been explored previously in this dissertation. Associating women with certain common features such as their child bearing capacities, their wombs or breasts for example, is certainly a dangerous approach. Whilst these facts are certainly important biological features to be considered, in that it is only women who can have babies, this is not the essential feature of being female, and many authors are clear to differentiate between being female and being a woman. The reality of female pregnancy is what creates the 'privileged position' that Young referenced; it is the woman who is most directly in relation to the foetus. However, the bodies that we 'live in', phenomenologically, are both biologically informed, but also socially and culturally informed. We are all, as this dissertation contends, bodies and human beings living in socio-historical and cultural context. Women, therefore, have vastly different lived experiences because of these settings. Young has stressed that women are an 'internally diverse series' and they are a social collective. The fundamental social dimension to the idea of womanhood and the female is, therefore, 'vast, multifaceted, layered, complex and overlapping.'³³⁸

³³⁷ Chris Kaposy, 'Proof and Persuasion in the Philosophical Debate about Abortion,' *Philosophy and Rhetoric*, 43, 2, 2010, pp.139-62.

³³⁸ Iris Marion Young, 'Gender as Seriality: Thinking about Women as a Social Collective', *Signs* 19: 3, 1994., p.713.

Amy Mullins in her book *Reconceiving Pregnancy and Childcare*, reflects on the ideology of sacrificial motherhood.³³⁹ Ideologies invoke very particular goals and expectations about what something is like and what it should be. In the case of motherhood Mullins explores the idea of it being a sacrificial act which is often viewed as essential, natural and private. This dissertation has also explored the creation and elevation of master themes or one element of traditional and current dualism being forwarded whilst the other is demeaned. There is a long history of body/spirit or body/mind dualism which has been heavily criticised by certain feminist writers on the basis of the subjugation of those who are seen as more bodily, fleshy and less rational. Thus discussions about pregnancy and motherhood often veer from being wanted or unwanted, sacrificial or selfish, natural or unnatural and essential or unimportant and very much secondary to a woman's life project. Meyers writes that sadly discussions about motherhood 'oscillate between contempt for it or reverence and sentimentality.'³⁴⁰ This oversimplification and extremist approach to what is, in fact, a very complex situation and decision naturally results in marked categories, dangerous stigma's and the creation of an out-group; discussions about pregnancy, motherhood and abortion cannot be reduced and instead, we must allow for a plurality of experiences and responses. I have argued that the framework of a moral community of human beings attends to a plurality of responses and a variety of scenarios and life projects (or 'liveable lives' as Butler would refer), and this would mean that we approach the abortion issue within and from an actual and emerging moral context and not a perceived or fixed one.

The decision to have an abortion is not only about motherhood and the female voice and, as I have argued, I believe a truly relational approach involves the father or partner and healthcare professional to some degree. The desire to have a child with someone in particular, as Chadwick has argued, is an important part of the reproductive and abortion narrative. It brings into focus, I believe, the reality and importance of the relationship, or lack of one/them, that the woman faces in her particular abortion context. Some relationships can embrace the transformation that a child will bring in the way that others simply cannot.

There are archetypal constructs surrounding the 'feminine' and this impacts the abortion experience and rhetoric. In many cultures, female sexuality is a highly complex area and for many women their cultures may view sexual activity as solely for procreation. As stated previously, the woman in certain abortion contexts is, therefore, facing the added complication of concealing

³³⁹ Amy Mullin, *Reconceiving Pregnancy and Childcare: Ethics, Experience, and Reproductive Labour*, Cambridge Studies in Philosophy and Public Policy, Cambridge, Cambridge University Press, 2005, p.3.

³⁴⁰ Diana T. Meyes, *Gender in the Mirror: Cultural Imagery and Women's Agency*, New York, Oxford University Press, 2002, p.49.

not only an abortion, but also their sexual activity. There is often an assumption that, in certain social environments, motherhood, and a very particular type of motherhood, will be the choice and activity that all women will choose for their lives. 'It is a mercy to the child that she lost her mother, I do believe! How she ever survived that kind of treatment beats all. Why that mother never seemed to have the first spark of maternal feeling to the end!'³⁴¹ The mother in Charlotte Perkins Gilman's story is perceived as unnatural due to her 'abandoning' of her child in favour of saving the maximum number of people possible when her village is faced with a disaster. The passage certainly doesn't reduce pregnancy to a physical condition, rather it reveals how pregnancy, and in particular motherhood, is elevated into something transformative and creative; thus, a physical infant becomes something that demands nurturing and protection, regardless of the stage of development and regardless of all other possible choices. It thus serves as a powerful metaphor of the choices facing women and how society will possibly judge these choices. The piece selected for Singer's anthology reveals how the community creates exclusions and the story is a type of illustration and myth that is told in order to foster and project the metaphor of the 'sacred mother,'³⁴² where the other mother in the story takes on the role of the 'surrogate moralist.'³⁴³ The decision to continue with a pregnancy or not becomes the decision to nurture or not to nurture, and this is laden with ideological judgement and, as like all ideologies, it makes claims about the way things are and what the subject *is*, but also what it ought to be.

The idea that a mother would quite literally sacrifice her children, opposed to sacrificing her own life and life choices for them, is explored in Euripides play *Medea* and in Ovid's *Metamorphoses*. Medea is described by Ovid as 'seiz'd with fierce desire,'³⁴⁴ trying to control herself through reason, telling herself that it is absurd to love Jason and to violate the obligations she has to her children. Ultimately Medea's humiliation at being left by her husband Jason overwhelmingly triumphs over her motherly side. Some see Medea as representing the very worst in mothers and daughters and yet some can sympathise with her, although not condone her for her actions. This is an interesting and clever play that reveals how a woman's body, and her facets, is both vulnerable and also a weapon; her children are all she has to fight back with.

There is often the assumption that motherhood will not only be something desired, but also likened to a sacrificial and unconditional act, and thus Medea is seen as the worst of mothers. We

³⁴¹ Charlotte Perkins Gilman 'The Unnatural Mother', in Peter Singer and Regina Singer (eds). *The Moral of the Story* (Blackwell Publishing: Oxford, 2005) pp.57-62.

³⁴² Amy Mullin. *Reconciling Pregnancy and Childcare: Ethics, Experience and Reproductive Labour*, Cambridge University Press, Cambridge, 2005, p.6.

³⁴³ Ibid. p.3.

³⁴⁴ Ovid, *Metamorphoses*, Oxford, Oxford University Press, 2008; Euripides and Phillip Vellacott, *Medea and other plays*, London, Penguin, 2002.

should recall how Gilligan and Petterson were sure to include the idea of mature care into their writings, or what Keller has referred to as a ‘healthy vulnerability’, as selfless caring can put the caregiver at risk and it is important that the woman is able to make caring choices for herself and her own life project. However Gilligan perhaps overstressed the different outlooks of males and females, although she went on to remedy this somewhat, in that she argued that women had a relational and contextual approach to moral reasoning and this outlook was seen as something that women share. The reasons behind this moral outlook, however, are due to social phenomenon³⁴⁵ and the history of developmental trends in males, and what is needed is a social context that fosters caring relations in males and females.

Reproductive decisions are clearly far more complex than certain descriptions of motherhood and parenting allow. The phrase ‘having children’ may seem deceptively simple and yet we now face something of a reproductive revolution³⁴⁶ and the story of procreation and parenting has transformed in many significant ways.³⁴⁷

5.3 Abortion Language

‘Abortion raises subtle problems for private conscience, public policy and constitutional law. Most of these problems are essentially philosophical requiring a degree of clarity about basic concepts that is seldom achieved in legislative debates and letters to newspapers.’³⁴⁸ Feinberg views abortion language and rhetoric as something that has become heated, emotional and untenable and that clarity and a highly rational approach is needed. However, I have argued that it is the highly rational and abstract language that has been part of the reason that the debate has reached a ‘stalemate.’³⁴⁹ We have already explored the pitfalls relating to the language of personhood and the related abortion debate. Kaposy views the abortion dialogue as deadlocked in large part due to the language, intuitions and analogies used and he challenges the idea that philosophy will draw the debate towards some sort of consensus, as Feinberg claims. Kaposy writes that analogical arguments work by building a kind of consensus and such a consensus is virtually unimaginable.³⁵⁰ The abortion debate seeks to find shared understandings of

³⁴⁵ Nancy Chodorow, *The Reproduction of Mothering*, Berkeley, University of California Press, 1999.

³⁴⁶ Stephen E Lammers and Allen Verhey, *On Moral Medicine*, Cambridge, Eerdmans Publishing 1998, p.465.

³⁴⁷ Ruth Chadwick (ed.), *Ethics, Reproduction and Genetic Control*, London, Routledge. 1993, p.3.

³⁴⁸ Joel Feinberg (ed.), *The Problem of Abortion*, California, Wadsworth Publishing Company, 1984, p.1; Frank Bouchier-Hayes, ‘Philosophers on Abortion.’ presented to the Limerick Philosophical Society in 1998. <http://www.minerva.mic.ul.ie/vol2/bh.html>

³⁴⁹ Chris Kaposy, ‘Proof and Persuasion in the Philosophical Debate about Abortion,’ *Philosophy and Rhetoric*, 43, 2, 2010, pp.139-62.

³⁵⁰ *ibid.*

personhood, of values and of beliefs and the ability to achieve this is, he feels, overstated and as stated previously in this dissertation abortion debates are ‘unfolding in a context of genuinely incommensurable moral world views.’

In some cultures an abortion procedure is viewed and described as a ‘dropped’ or ‘lost’ pregnancy³⁵¹ and at the other end of the spectrum the procedure is viewed as murder. Likewise whereas as some Doctors and abortion providers are seen as saviours³⁵² to the women they assist (and the Doctors also perceive themselves in this light), others are labelled abortionists (even when they perform many other health care procedures as well) and murders. The women who have an abortion may not face stigmatisation and marginalisation at all and yet they may be seen as tainted (as this can impact the females marriage options) and promiscuous, since their sexual activity has been revealed and exposed³⁵³ or they may be seen as selfish given their decision not to nurture ‘their child.’

Abortion experience, and the labelling that can occur, will vary enormously depending on cultural context, and it is important to note there is vast gap between women able to access safe abortions and those who do not. The World Health Organisation have suggested that one-third of all abortions worldwide are illegal and estimates of the number of women who die worldwide from unsafe abortions each year range from 70,000 to 200,000. This means that between 13 and 20% of all maternal deaths are due to unsafe abortion - in some areas of the world, half of all maternal deaths.³⁵⁴ Therefore an abortion not only threatens as human beings moral agency and status within their moral community but also their health in the most profound of senses. It is important to consider female health as part of the abortion dialogue and the social health surrounding an abortion.

³⁵¹ E. P. Renne, ‘The pregnancy that doesn’t stay: the practice and perception of abortion by Ekiti Yoruba women’, *Social Science and Medicine*, 42, no.4, 1996, pp.483-94.

³⁵² G Pheterson and Y Azize, ‘Abortion practice in the northeast Caribbean: ‘Just write down stomach pain’’, *Reproductive Health Matters*, 13, no.26, 2005, pp.44-53.

³⁵³ George Devereux, *A study of abortion in primitive societies*, New York, International Universities Press, 1976.

³⁵⁴ <http://www.who.int/mediacentre/factsheets/fs334/en/>

5.4 Guilt, Shame and Stigma within Philosophy

Guilt, shame and stigma emerge from social networks and the context surrounding the woman making the abortion decision. The role of shame and stigma in society is a controversial debate. Communitarian scholars see an important role in guilt shame for society and in public life; shame punishment has a long history.³⁵⁵ Guilt and shame can be seen as an important part of our moral development part; feelings of guilt formed part of Shoemaker's understanding of the mature emotions required for membership in the moral community. The danger with shame is that it creates an in-group and it is really a tool to say how we should do things, for example, this is how we do sex, this is how we parent, this is how men/women behave, and so when people step outside those norms they are either penalized by law or they are marginalised by the community, often a fate far worse than legal sanctions.³⁵⁶ Shame and disgust, therefore, create and bolster the dangerous 'us-and-them' culture we have seen to be so stifling within in ethical dialogue. Nussbaum argues that shame and disgust are deeply suspicious because they are fundamentally hierarchical in that they elevate different types of humans. She argues that their use in any ethical, political or social system that deems itself to be fostering equality and liberality is deeply suspicious.³⁵⁷

Part of the danger of shame and disgust is that they cannot just be directed at the act, it almost always transfers to the whole person. Shame is our daily companion³⁵⁸ and part of our human lives. Nussbaum quotes Erving Goffman in her book; he writes that 'the stigmatised and the normal are part of each other.'³⁵⁹ Some people are more marked out or susceptible to shame, in the way the Butler sees some lives as more vulnerable and unliveable. Nussbaum explores some of these marginalised groups, such as the mentally and physically disabled and those beings where a disease becomes visible. In the way the that Butler asks us to make more space for a range of liveable lives, Nussbaum asks us to make more space for shame in our lives, and by this she means we need to draw in those groups that society has so often sought to shame. Society needs to acknowledge that this shaming process emerges because of human vulnerability (something all human beings share). Humans often have a pathological wish to be invulnerable, an invulnerability that Keller and Brown have stressed, and we explored in the previous chapter.

³⁵⁵ Thom Brooks (ed.), *Shame Punishment*, London, Ashgate, 2014.

³⁵⁶ Martha Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law*, New Jersey, Princeton University Press, 2006.

³⁵⁷ *ibid.* pp.321-322.

³⁵⁸ *ibid.* p.173.

³⁵⁹ *ibid.*

Nussbaum argues that human vulnerability has failed to be accounted for within moral theory 'our dignity just is the dignity of a certain sort of animal.'³⁶⁰ Nussbaum's view that to respect the dignity of each person, society absolutely must refrain from certain ways of shaming and humiliating its members and rendering them objects of communal disgust - because communal damnation is the worst kind of exclusion. This shame and stigma is what Goffman calls a spoiled identity³⁶¹ and what Nussbaum refers to as the dehumanising of a victim.³⁶²

5.5 Abortion Stigma and other Exclusions

Every human being is situated in a moral community and they will generally be aware of the norms by which their moral community operates. Many human beings do not fit those norms and as such they can become the victims of stigma. Stigma is the mark of abnormality.³⁶³ Abortion stigma is multi-faceted and context specific but in some cultures the decision to have an abortion can lead to dangerous exclusions and health risks, both physical and mental.

Link and Phelan write that 'stigmatisation is entirely contingent on access to social, economic and political power and that allows the identification of differentness, the construction of stereotypes, the separation of labelled persons into distinct categories and the full execution of disapproval, rejection, exclusion and discrimination.'³⁶⁴ The threat of such a rejection leads to large numbers of women keeping their abortion decision a secret and this social fact is connected to the 3 million illegal unsafe abortions that take place every year among teenage girls. Women from all racial, ethnic, socioeconomic, and religious backgrounds will seek an abortion for a plethora of reasons. There are, therefore, a range of social stigmas associated with abortion, in some cultures an abortion may be sought in order to hide early sexual activity, such exposure could lead to the woman being viewed as 'tainted' and no longer fit for marriage, whilst in other cultures the reason for the abortion is due to the stigma surrounding teenage mothers and the decision to continue with a pregnancy results in exclusion from certain lifestyle choices and social groups.

Exclusions can occur in a range of explicit and more subtle ways for human beings. We are all intrinsically vulnerable and we all face exclusion from our moral communities. As Kittay notes,

³⁶⁰ Martha C. Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law*, Oxfordshire, Princeton Paperbacks, 2004.

³⁶¹ *ibid.* p.174.

³⁶² *ibid.*

³⁶³ Stigma from the Greek word to mark: <http://dictionary.reference.com/browse/stigma>

³⁶⁴ B Link and J C Phelan, Conceptualising Stigma, *Annual Review of Sociology*, 27, pp.263-85, 2001, p.367.

there are range of morally repugnant exclusions that can result from our conceptions of a moral community. Our common vulnerability should compel us to reflect on these marginalisations and then respond. We are all vulnerable and some bodies are even more exposed. She writes, 'when we consider the aged adults we may become or need to care for, the decisions we or our children, friends or others close to us may have a child diagnosed with autism, and that, at any moment, through illness or accident, we or those we love may develop a significant cognitive disability....we should view disability as a feature of the human condition that philosophers should take seriously.'³⁶⁵

We are all vulnerable and as Butler argued, some of us are made more vulnerable by the societies we find ourselves in. As Shakespeare has noted, it is not the person and their body that makes the person disabled but often it is the society that exasperates and elevates the disability. Given that we are all vulnerable and prone to increasing vulnerability under certain conditions this is surely reason to transform society. A truly caring society fosters relationships, and through such relationships we come to see the varied and diverse ways that people enhance their communities, often in entirely non-rational, non-economic and non-measurable ways

If we recall Shoemaker's article about the cognitively disabled and the moral community we can see the essential role of empathy. Empathy leads us to see agency and conceptions of agency that are dependent more on our social and relational nature opposed to autonomous highly rational actions performed by the individual. Noddings reminds us that all our many and varied skills are gained in collaboration not in a vacuum. Shoemaker's article stressed the importance of learning from the process of identifying 'members' from 'non-members', the process of seeing who is 'in' and included and who is 'out' and therefore excluded. 'This labelling process'³⁶⁶ reveals the fully fledged members of a moral community but Shoemaker also shed light on the boundaries of our communities to those beings that are 'just inside' and 'just outside.'³⁶⁷ I have also been keen to shed light on the more subtle exclusions a moral community can create through abortion stigma and female sexuality.

Many human beings are excluded from their moral communities, the woman who has an abortion, the woman who is exposed for having sexual relations outside of marriage, the woman because she is a woman and therefore perceived as inferior. Certain groups are labelled as 'out,' just outside or in, but through their connection with a more fully fledged member, because they

³⁶⁵ Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.3.

³⁶⁶ *ibid.* p.120.

³⁶⁷ *ibid.* p.202.

lack the capacities some regard as necessary for moral agency and functioning with a moral community. This can include people with disabilities, but also comatose patients, fetuses, young infants, and animals. There are those human beings who have excellent mental capacities and yet are also labelled as ‘out’ through shaming practices. These groups might include those who have a particular sexual preference and lifestyle, those with certain diseases, racial groups and refugees, perhaps one of the most vulnerable groups of people. And yet, and as I have tried to show, if we look at our varied moral communities and our concrete operations³⁶⁸ within these communities, these beings are in fact firmly situated in our moral communities and they reveal so much about what it is to be human.

³⁶⁸ David Shoemaker, ‘Responsibility, Agency and Cognitive Disability’, in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.203.

Conclusions

As Kittay writes, philosophers have so often wanted to say a person is ‘such and such’, and that a person is a being that has a particular characteristic, or set of characteristics, which enables them to function within the moral community. However, in practice we tend to find that this ‘such and such’, is not what we learn about the nature of persons through our concrete relations with persons and through our concrete operations within actual moral communities.³⁶⁹ In Kittay’s case, this insight was brought home to her through her own experiences through her caring relations with a dependent other. Through interaction within her most intimate moral community, the family unit, she concluded that personhood and moral agency, and our understanding of it, needs to be entirely recast in relational and concrete terms.³⁷⁰

I have argued that rather than place personhood at the heart of abortion debates, we should instead emphasise our relationships and our membership in an already-existing moral context and community. Rather than considering what kinds of entities qualify as ‘persons,’ we should instead consider the notion of the human being existing in a moral community and thereby situated in a wide and complex web of relationships. ‘The abstract arguments about personhood threaten to obscure the reality at stake in the personhood debate.’³⁷¹ Rather than offering a new discourse of persons understood as human beings qua social, community bound beings, I feel it is essential to use the term ‘human being’ and not the term ‘person.’ I have argued that the term ‘human being’ best attends to our layered nature; it equalises, rather than elevates, certain groups of human beings. The term ‘human being’ works with the bottom-up approach to ethics forwarded within this dissertation; our social-cultural-historical context forms and creates our nature. The human being is always in a moral community and if we wish to understand our nature, we must position the inquiry within the presence of each human being’s moral culture.

The layered approach to our identity requires that we hold together varied aspects of our nature and it demands that we acknowledge that our moral agency develops through relationships. Agency exists on a continuum and there is not one single characteristic that accords us with personhood status and moral agency. The gradualist position remains the most convincing

³⁶⁹ Eva Feder Kittay, ‘The Personal Is Philosophical Is Political’, in in Eva Feder Kittay and Licia Carlson (eds.), *Cognitive Disability and its Challenge to Moral Philosophy*, Oxford, Wiley-Blackwell, 2010, p.393.

³⁷⁰ *ibid*, p.409.

³⁷¹ Eva Feder Kittay, ‘At the Margins of Moral Personhood’, *Ethics*, 116, 2005, pp.100-131.

argument when exploring when human life begins, in that it allows space for the fact that the relationship between mother-embryo/foetus is developing and evolving. The decision to continue or discontinue a pregnancy has a huge impact for the mother and the decision lies with her first and foremost. The developing foetus is in direct relation to the mother and the relationship develops with her and her wider nested dependencies; the foetus is not necessarily the only vulnerable being to which we must attend within the abortion dilemma.

I have argued that an ethic of care and phenomenological approach can provide an essential framework for abortion debates in that it demands a caring disposition that responds to the needs of the dependent and the vulnerable. I do not agree that care ethics promotes a kind of 'slave mentality'³⁷² and as such women are trapped within certain caring relationships, such as the mother – foetus relationship. The moral status of the foetus is undoubtedly unique in that the foetus exists only in relationship with a particular 'other' and the dependence is total; this relationship and dependence is direct in the sense that whatever is done to the foetus is done to the mother. Care ethicists clearly address the fact that certain caring roles and relationships are stifling and as we have seen it is important to examine the social context of care.³⁷³ Likewise the phenomenological approach starts with the position that a social reality is composed of human beings in society; human beings are socialised, in relation and always in a very particular situation.

Abortion dilemmas need to be seen within the context of our human lives and from the context of our own particular moral community. Care ethics has conceded that certain carers are in fact the more vulnerable than those being cared for and many writers fully acknowledge the burdensome nature of care and push towards a fuller understanding of empathy as a result.³⁷⁴ Pregnancy, like motherhood, is seen as something which is wanted and unwanted, where in fact the debate is far more nuanced than that and the issue is very much bound up with modern discussions about reproductive opportunity and choices rather than contempt for the foetus. Care ethics and a phenomenological approach requires us to take relationships seriously and therefore we also need to consider the mothers relationship to the father; whilst the woman's role is undoubtedly unique there are still important factors relating to masculine identity and parenting that need to be considered. Fathers and partners can often feel excluded from a pregnancy and abortion rhetoric and we need to navigate the concerns of men more effectively in these areas.

³⁷² Victoria Davion, 'Autonomy, Integrity, and Care', *Social Theory and Practice* 19,2, 1993, pp.161-82.

³⁷³ Tom. L. Beauchamp and James. F. Childress, *Principles of Biomedical Ethics*, Oxford University Press, Oxford, 2009, p.375.

³⁷⁴ Michael Slote, *The Ethics of Care and Empathy*, Routledge, New York 2007.

‘The abortion debate’ continues to rage and as such we must adopt an approach informed by sensitivity, and one that allows for a range of emotional responses to very particular and nuanced dilemmas. Butler’s approach elevates the importance of our vulnerabilities and she emphasises the need for a more open ended engagement and understanding of making human life more bearable and ‘liveable’. In order to do this we have to attend to the actual, and the concrete, and the varying complexities of our own lives. Butler’s position starts with the varied ways human life is ‘lived’ and her position therefore allows for a plurality of responses: all human lives should be considered of worth and made ‘liveable.’ I have argued that as well as valuing relationships we ought to embrace human life as embodied and believe this is vital for sexual and medical ethics. Often, when a woman seeks an abortion, an important and interlacing issue is her request that we see her life as valuable and it may well be that this procedure is essential if she is to regain a ‘liveable life’; care ethics and a phenomenological approach to the abortion dialogue is essential if we are to value relationships and the if we are to engage with how our unified bodies, acting in the world, may have a range of needs.

As Butler argues, ‘if a community could learn to abide with its imperfections and vulnerability, it would know better what its ties to other people are’³⁷⁵ and as such we must promote moral communities that foster the importance of caring relationships and inclusivity. Both the foetus and the mother are dependent beings, and for large stages of our lives we are more patient than agent, more excluded rather than included and so the debate is far from clear-cut as some suggest. To flatten out the abortion dialogue into warring camps and into a personhood debate, that must reach consensus, is to avoid the real thrust of the abortion narrative. We should appreciate the complexity of our relational ties and come to see that our feelings of self worth are embedded and inherent within our varied relationships. A moral community can be transformed through acceptance and inclusion. We should always seek to avoid exclusions and the mother’s exclusion from her own pregnancy, or her own life project, is a real threat to bear in mind, as is the aftermath of abortion stigma.

The research into abortion stigma simply cannot be separated from ethical reflections on abortion; for many women the decision to have an abortion results in a highly damaging exclusion from her moral community. Abortion stigma will of course emerge from a web of complex factors and will likely build upon a range of other context specific marginalisations and discriminations. It is clear, therefore, that to approach the issue of abortion without a contextual springboard is to leave the dialogue lacking and impoverished as a result; to see human beings as

³⁷⁵ Terrell Carver and Samuel Allen Chambers. *Judith Butler’s Precarious Politics: Critical Encounter*, Routledge, Abingdon 2008, p.200

something distinct from the cultural and moral settings in which they operate sunders and reduces what it is to be a human being; throughout the piece I have argued for a more layered understanding of the nature of human beings.

Recognizing ourselves as human beings, participants in a moral community and moral context must be our starting point and our framework for navigating a range of ethical dilemmas. It is not only essential for the abortion debate, which simply cannot languor in the abstract any longer, but also any debate where there is a risk of human exclusion and stigmatisation. The dissertation encourages further thinking in a range of areas, for example: our membership and our own role in a community; accountability within the community; the judging others and the effect of our own prejudices on the current abortion debate, and in fact any kind of philosophical debate. The avenues this investigation has opened are methodological and applicable to any community-ethical debate, not just the abortion dialogue. We need to rethink what a community collective mind is at practical and social levels. I believe such a framework can offer insights into gender politics, poverty responses, human rights debates, peace talk and conflict resolution. It can also extend from the abortion rhetoric to discussions about pregnancy and gender, and also certain debates within bioethics such as reproductive technologies. In short, it is a framework that demands we make a concern for all human lives a real and valid ethical concern.

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Dedication

There are two lasting bequests we can hope to give our children (and students) - one is roots, the other, wings.

This dissertation is dedicated to my Parents and to Geoffrey – for their superhuman levels of patience and belief.